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WILLIAM VAN REGENMORTER

**CRIME VICTIM'S RIGHTS ACT**

**AND**

**CONSTITUTIONAL AMENDMENT**

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Prepared by  
the Michigan Legislature

*One of the most pressing concerns facing people of our community today is the fear and reality of crime.*

*Prior to 1985, the loss, hurt, and fear experienced by victims were made worse by a system which provided extensive legal rights for the criminal defendant, while ignoring the victim.*

*To ensure fundamental rights for crime victims, the William Van Regenmorter Crime Victim's Rights Act established protections in statute. At a higher level, however, the Constitution continued to list a number of important rights for the criminal defendant, but not one specific right for the victim. Then the people of the state of Michigan overwhelmingly approved the constitutional amendment on November 8, 1988 and it became Article 1, Section 24 of the State Constitution on December 24, 1988.*

*This booklet lists victims' rights and services as well as local advocates throughout the state. Crime victims in Michigan now have the most complete legal rights in the country, finally bringing long overdue balance.*

*A concerned and informed citizen is the criminal's worst enemy. When large numbers of citizens work together as a team with law enforcement agencies, crime does decline. So, to make certain our community is as safe and secure as possible, I urge you to use this guide to begin working in your own home and neighborhood.*

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**CONTENTS**

State of Michigan Constitution, Article I, Section 24 .....	1
William Van Regenmorter Crime Victim’s Rights Act .....	2
Criminal Procedure in Michigan .....	35
Michigan’s Court System .....	35
Supreme Court .....	35
Court of Appeals .....	35
Trial Courts .....	35
Criminal Proceedings .....	35
Crime Victim Compensation .....	36
Michigan Sheriffs’ Associations	
Victim Services Programs .....	38
Victim Contacts for Michigan Counties .....	39
Michigan Tribal Victim Assistance .....	41
City Victim Advocates .....	41
State of Michigan Advocates .....	41
United States Government Advocates .....	41
Michigan State Police Posts .....	42
Victim Assistance Groups .....	44

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# STATE OF MICHIGAN CONSTITUTION

## *Article I, Section 24*

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

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*Introduced by: Rep. Wm. Van Regenmorter (House Joint Resolution P, 84th Legislature).*

*Approved by the House of Representatives, April 20, 1988.*

*Approved by the Senate, July 12, 1988.*

*Approved by the people of Michigan, November 8, 1988.*

*Effective date, December 24, 1988.*

**WILLIAM VAN REGENMORTER  
CRIME VICTIM'S RIGHTS ACT \***  
**PA 87 OF 1985 (M.C.L. 780.751 ET AL.)**  
**(INCLUDES AMENDMENTS)**

Introduced by Rep. Van Regenmorter

AN ACT to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies.

*The People of the State of Michigan enact:*

**ARTICLE 1**

**MCL 780.751 Short title.**

Sec. 1. This act shall be known and may be cited as the "**William Van Regenmorter crime victim's rights act**".

**MCL 780.752 Definitions; designation of person to act in place of victim; privileges and rights.**

Sec. 2. (1) Except as otherwise defined in this article, as used in this article:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

(c) "Defendant" means a person charged with, convicted of, or **found not guilty by reason of insanity of** committing a crime against a victim.

(d) "**Facility**", as used in sections 6, 13a, 19a, and 20 only, and not with reference to a juvenile facility, means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(e) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.

(f) "Juvenile" means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(g) "Juvenile facility" means a county facility, institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained.

(h) "**Hospital**" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(i) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(j) "Prisoner" means a person who has been convicted and sentenced to imprisonment or placement in a juvenile facility for having committed a crime or an act that would be a crime if committed by an adult against a victim.

(k) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, or a special prosecuting attorney.

(l) "Victim" means any of the following:

(i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the defendant if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the defendant nor incarcerated.

(2) If a victim as defined in subsection (1)(l)(i) is physically or emotionally unable to exercise the privileges and rights under this

\* Language reflects amendments to the Act effective through January 1, 2006.

article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with a crime arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.

(4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.

**MCL 780.753 Information to be given victim.**

Sec. 3. Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following statements:

"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."

"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case."

**MCL 780.754 Return of property to victim; retention of evidence.**

Sec. 4. (1) The law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the crime and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.

**MCL 780.754a Victim of identity theft; filing police report; jurisdiction; "identity theft" defined.**

Sec. 4a. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report

with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency.

(2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act.

**MCL 780.755 Victim to be given notice of availability of pretrial release, telephone number of sheriff or juvenile facility, and notice of right to contact sheriff or juvenile facility; revocation of bond or personal recognizance.**

Sec. 5. (1) Not later than 24 hours after the arraignment of the defendant for a crime, the law enforcement agency having responsibility for investigating the crime shall give to the victim notice of the availability of pretrial release for the defendant, the telephone number of the sheriff or juvenile facility, and notice that the victim may contact the sheriff or juvenile facility to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.

(2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked.

**MCL 780.756 Notice to be given victim; consultation with prosecuting attorney; persons to be informed of victim's current address and telephone number.**

Sec. 6. (1) Not later than 7 days after the defendant's arraignment for a crime, but not less than 24 hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

(a) A brief statement of the procedural steps in the processing of a criminal case.

(b) A specific list of the rights and procedures under this article.

(c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.

(d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.

(e) Suggested procedures if the victim is subjected to threats or intimidation.

(f) The person to contact for further information.

(2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule.

(3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the

## 4 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT

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prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs.

(4) A victim who receives a notice under subsection (1) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address and telephone number:

(a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.

(b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned.

(c) The **department of human services** or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility.

**(d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility.**

### **MCL 780.757 Waiting area for victim or other safeguards.**

Sec. 7. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.

### **MCL 780.758 Motion not to compel testimony of victim or other witness; hearing; address and phone number of victim not to be in court file or documents; exemption from disclosure; exception.**

Sec. 8. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) The work address and address of the victim shall not be in the court file or ordinary court documents unless contained in a transcript of the trial or it is used to identify the place of the crime. The work telephone number and telephone number of the victim shall not be in the court file or ordinary court documents except as contained in a transcript of the trial.

(3) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) The home address, home telephone number, work address, and work telephone number of the victim unless the address is used to identify the place of the crime.

(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.

(4) Subsection (3) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

### **MCL 780.759 Speedy trial; requirements; hearing; notice; time of trial.**

Sec. 9. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:

(a) A victim of child abuse, including sexual abuse or any other assaultive crime.

(b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree.

(c) Sixty-five years of age or older.

(d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings.

(2) The chief judge, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days of the date of the filing of the motion. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.

### **MCL 780.760 Conference with victim by prosecuting attorney.**

Sec. 10. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the selection of the jury and prior to the trial of the defendant.

### **MCL 780.761 Presence of victim at trial; sequestering victim.**

Sec. 11. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies.

### **MCL 780.762 Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor; penalty; "victim representative" defined.**

Sec. 12. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.



(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an assaultive crime if the victim of the assaultive crime is less than 18 years of age.

(c) A person who has been designated under section 2(2) to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability.

**MCL 780.763 Notice to be given victim by prosecuting attorney; means; contents of impact statement.**

Sec. 13. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

(a) The defendant's conviction.

(b) The crimes for which the defendant was convicted.

(c) The victim's right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant.

(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.

(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.

(f) The victim's right to make an impact statement at sentencing.

(g) The time and place of the sentencing proceeding.

(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.

(3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:

(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.

(d) The victim's recommendation for an appropriate sentence.

**MCL 780.763a Providing victim with form to receive certain notices.**

Sec. 13a. (1) When a defendant is sentenced to a term of imprisonment, ordered to be placed in a juvenile facility, or **hospitalized in or admitted to a hospital or a facility**, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 19, **19a**, 20, or 20a. The form shall include the address of the department of corrections, the sheriff, the **department of human services**, the county juvenile agency, or **the hospital or facility**, as applicable, to which the form may be sent.

(2) **If the defendant is sentenced to probation, the department of corrections or the sheriff, as applicable, shall notify the victim if the probation is revoked and the defendant is**

**sentenced to the department of corrections or to jail for more than 90 days. The notice shall include a form the victim may submit to the department of corrections or the sheriff to receive notices under section 19, 20, or 20a.**

(3) **If the department of corrections determines that a defendant who was, in the defendant's judgment of sentence, not prohibited from being or permitted to be placed in the special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, meets the eligibility requirements of section 34a(2) and (3) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the department of corrections shall notify the victim, if the victim has submitted a written request for notification under section 19, of the proposed placement of the defendant in the special alternative incarceration unit not later than 30 days before placement is intended to occur. In making the decision on whether or not to object to the placement of the defendant in a special alternative incarceration unit as required by section 34a(4) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or the judge's successor shall review an impact statement submitted by the victim under section 14.**

**MCL 780.764 Impact statement generally.**

Sec. 14. The victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing a presentence investigation report concerning the defendant pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall upon the victim's request, be included in the presentence investigation report.

**MCL 780.765 Oral impact statement at sentencing.**

Sec. 15. The victim has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.

**MCL 780.766 "Victim" defined; order of restitution generally; order of restitution as condition of probation or parole; revocation of probation or parole; petition to modify payment method; lien; enforcement; failure to pay restitution; payment by parent of juvenile; definitions; review; report; compliance; copy of order to department of corrections; disposition of unclaimed restitution; amendment of order; effect of bankruptcy; victim as minor.**

Sec. 16. (1) **As used in this section only, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. As used in subsections (2), (3), (6), (8), (9), and (13) only, victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a crime.**

(2) Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. **For an offense that is**

**resolved by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section.**

(3) If a crime results in damage to or loss or destruction of property of a victim of the crime or results in the seizure or impoundment of property of a victim of the crime, the order of restitution **shall** require that the defendant do 1 or more of the following, as applicable:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If a crime results in physical or psychological injury to a victim, the order of restitution **shall** require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care.

(b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the crime.

(d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the crime.

(e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the crime or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the crime for that homemaking and child care, based on the rates in the area for comparable services.

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.

**(h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury.**

(5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand or foot or use of a hand or foot.

(c) Loss of an eye or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or subdural hematoma.

(j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments.

(11) If the defendant is placed on probation or paroled or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation, parole, or sentence. The court may revoke probation or impose imprisonment under the conditional sentence and the parole board may revoke parole if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to

revoke probation or parole or impose imprisonment, the court or parole board shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

(12) **Subject to subsection (18)**, a defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court or parole board determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) If the court determines that a juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection:

(a) "Juvenile" means a person within the court's jurisdiction under section 2d or 4 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d and 712A.4.

(b) "Parent" does not include a foster parent.

(16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time.

(17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim.

(18) In each case in which payment of restitution is ordered as a condition of probation, the court **shall** order any employed defendant to **make regularly scheduled restitution payments**. **If the defendant misses 2 or more regularly scheduled payments, the court shall order the defendant to** execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(19) If a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the defendant is remanded to the department's jurisdiction.

(20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

(21) If a person or entity entitled to restitution **under this section** cannot be located, refuses to claim **the** restitution within 2 years after the date on which he or she could have claimed the restitution, **or refuses to accept the restitution**, the restitution to **which** that person or entity **is entitled** shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.

(22) **The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered.**

(23) **A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address.**



## 8 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT

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(24) If the victim is a minor, the order of restitution shall require the defendant to pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime:

- (a) Homemaking and child care expenses.
- (b) Income loss not ordered to be paid under subsection (4)(h).
- (c) Mileage.
- (d) Lodging or housing.
- (e) Meals.
- (f) Any other cost incurred in exercising the rights of the victim or a parent under this act.

### **MCL 780.766a Fines, costs, and assessments or payments other than victim payments; allocation of payments; "victim payment" defined.**

Sec. 16a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments **ordered to be paid in that proceeding** shall be allocated as provided in this section. **If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution, assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section.**

(2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

- (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.
- (b) Payment of other costs.
- (c) Payment of fines.
- (d) Payment of probation or parole supervision fees.

(e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of fines and other costs.

(c) Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim **or** the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

### **MCL 780.767 Amount of restitution; order; consideration; order to obtain information; disclosures; resolving dispute as to amount and type of restitution.**

Sec. 17. (1) In determining the amount of restitution to order under section 16, the court shall consider the amount of the loss sustained by any victim as a result of the offense.

(2) The court may order the probation officer to obtain information pertaining to the amounts of loss described in subsection (1). The probation officer shall include the information collected in the presentence investigation report or in a separate report, as the court directs.

(3) The court shall disclose to both the defendant and the prosecuting attorney all portions of the presentence or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney.

### **MCL 780.767a Deductions and payments.**

Sec. 17a. (1) **If a defendant who has been sentenced to the department of corrections is ordered to pay restitution under section 16, and if the defendant receives more than \$50.00 in a month, the department of corrections shall deduct 50% of the amount over \$50.00 received by the defendant for payment of the restitution. The department of corrections shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the defendant is paroled, transferred to community programs, or discharged on the maximum sentence.**

(2) **If a defendant who has been sentenced to jail is ordered to pay restitution under section 16, and if the defendant receives more than \$50.00 in a month, the sheriff shall deduct 50% of the amount over \$50.00 received by the defendant for payment of the restitution. The sheriff shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the defendant is released to probation or discharged on the maximum sentence.**

(3) The department of corrections or sheriff, as applicable, shall notify the defendant in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The department of corrections or sheriff shall not enter into any agreement with a defendant that modifies the requirements of this section. An agreement in violation of this subsection is void.

**MCL 780.768 Sale of recollections of thoughts and feelings of convicted person; proceeds to be held in escrow; disposition of proceeds.**

Sec. 18. (1) A person convicted of a crime shall not derive any profit from the sale of **any of the following** until the victim receives any restitution or compensation ordered for him or her against the defendant, expenses of incarceration are **paid under** subsection (3), and **any balance in** the escrow account created under subsection (2) is **paid** under subsection (4):

(a) **The person's recollections of or thoughts or feelings about the offense committed by the person.**

(b) **Memorabilia related to the offense committed by the person.**

(c) **The person's property if its value has been enhanced or increased by the person's notoriety.**

(2) Upon the conviction of a defendant for a crime involving a victim, and after notice to **all interested parties**, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that the defendant forfeit all or any part of proceeds received or to be received by the defendant or the defendant's representatives or assignees from **any of the following**:

(a) **Contracts** relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment.

(b) **The sale of memorabilia relating to the crime.**

(c) **The sale of property of the defendant, the value of which has been enhanced or increased by the defendant's notoriety arising from the crime.**

(3) **Proceeds ordered forfeited under subsection (2)** shall be held in an escrow account for a period of not more than 5 years.

(4) During the existence of an escrow account **created under subsection (3)**, proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under **section 16**.

(b) Any civil judgment in favor of the victim against the defendant.

(c) Any reimbursement ordered under the prisoner reimbursement to the county act, **1984 PA 118, MCL 801.81 to 801.93**, or the state correctional facility reimbursement act, **1935 PA 253, MCL 800.401 to 800.406**.

(d) **Fines, costs, and other assessments ordered against the defendant.**

(5) A balance remaining in an escrow account **created under subsection (3)** at the end of the escrow period shall be paid to the crime victim's rights fund **created in section 4 of 1989 PA 196, MCL 780.904**.

**MCL 780.768a Notice to victim; explanation of appeal process; rights of victim if conviction reversed.**

Sec. 18a. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant filed an appeal of his or her conviction or sentence or that the prosecuting attorney filed an appeal.

(b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court **oral arguments** and any changes in the time or place of those **arguments**.

(d) The result of the appeal. If the conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) **The** prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.

**MCL 780.769 Request for notice by victim; exemption of victim's address and telephone number from disclosure.**

Sec. 19. (1) Upon the victim's written request, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for the crime against that victim:

(a) Within 30 days after the request, notice of the sheriff's calculation of the prisoner's earliest release date or the department's calculation of the prisoner's earliest parole eligibility date, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days.

(b) Notice of the prisoner's transfer or pending transfer to a minimum security facility and the facility's address.

(c) Notice of the prisoner's release or pending release in a community residential program or under furlough; any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility.

(d) Notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim, as provided in section 20.

(e) Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole, as provided in section 21.

(f) Notice of the decision of the parole board, or any other panel having authority over the prisoner's release on parole, after a parole review, as provided in section 21.

(g) Notice of the release of a prisoner 90 days before the date of the prisoner's discharge from prison, unless the notice has been otherwise provided under this article.

(h) Notice of a public hearing under section 44 of **the corrections code of 1953**, 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the prisoner's sentence by the governor.

(i) Notice that a reprieve, commutation, or pardon has been granted.

(j) Notice that a prisoner has had his or her name legally changed while on parole or within 2 years after release from parole.

(k) Notice that a prisoner has been convicted of a new crime.

(l) Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.

(2) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under **this section** are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**MCL 780.769a Defendant found not guilty by reason of insanity; notice to victim from director of hospital or facility.**

**Sec. 19a. (1) On a victim's written request, the director of a hospital or facility where a defendant found not guilty by reason of insanity has been hospitalized or admitted by court order shall notify the victim of the following:**

(a) A pending transfer of the defendant to a less secure hospital or facility.

(b) A pending transfer of the defendant to alternative care or treatment, community placement, or aftercare reintegration.

(c) A pending leave, absence, furlough, or other release from confinement for the defendant, whether temporary or permanent.

(2) A notice required by subsection (1) shall be given by any means reasonably calculated to give the victim prompt actual notice.

(3) A victim's address and telephone number maintained by a hospital or facility under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**MCL 780.770 Notice of escape.**

**Sec. 20. (1) The person designated in subsections (2) to (4) shall give** a victim who requests notice and the prosecuting attorney who is prosecuting or has prosecuted the crime for which a **defendant** is detained, under sentence, **hospitalized, or admitted to a facility** immediate notice of the escape of the **defendant** accused, convicted, imprisoned, **hospitalized, or admitted** for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If an escape for which a notice under this section is **required** occurs before sentence is executed or before the defendant is delivered to the department of corrections, **hospitalized, or admitted to a facility**, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to **the** victim who requested notice.

(3) If the defendant is confined **under** a sentence, the notice **required under this section** shall be given by the chief administrator of the place in which the prisoner is confined.

(4) **If the defendant is hospitalized under an order of hospitalization or admitted to a facility under an order of admission, the notice required under this section shall be given by the director of the hospital in which the defendant is hospitalized or by the director of the facility to which the defendant is admitted.**

**MCL 780.770a Notice to victim by family independence agency or county juvenile agency; escape by juvenile.**

**Sec. 20a. (1)** Upon a victim's written request, the family independence agency or county juvenile agency, as applicable, shall make a good faith effort to notify the victim before either of the following occurs:

(a) A juvenile is dismissed from court jurisdiction or discharged from commitment to the family independence agency or county juvenile agency.

(b) A juvenile is transferred from a secure juvenile facility to a nonsecure juvenile facility.

(2) If the family independence agency or county juvenile agency is not successful in notifying the victim before an event described in subsection (1) occurs, it shall notify the victim as soon as possible after that event occurs by any means reasonably calculated to give prompt actual notice.

(3) Upon the victim's written request, the family independence agency or county juvenile agency, as applicable, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the family independence agency or county juvenile agency, the agency in charge of the juvenile's detention shall give notice of the escape to the family independence agency or county juvenile agency, which shall then give notice of the escape to the victim who requested notice.

**MCL 780.770b Notice of review hearing.**

**Sec. 20b.** Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted pursuant to section 1b of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1b of the Michigan Compiled Laws. The victim has the right to make a statement at the hearing, submit a written statement for use at the hearing, or both.

**MCL 780.771 Right of victim to address or submit statement to parole board or other panel; notice of pending review and victim's rights; representation of counsel; notice; exemption from disclosure.**

**Sec. 21. (1)** A victim **has** the right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole.



(2) Not less than 30 days before a review of the prisoner's release, a victim who has requested notice under section 19(1)(f) shall be given written notice by the department of corrections informing the victim of the pending review and of victims' rights under this section. The victim, at his or her own expense, may be represented by counsel at the review.

(3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision. The notice shall include a statement of the victim's right to appeal a parole decision, as allowed under section 34 of the corrections code of 1953, 1953 PA 232, MCL 791.234.

**(4) A record of an oral statement or a written statement made under subsection (1) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.**

**MCL 780.772 Notice of final disposition of case.**

Sec. 22. Upon the request of a victim, the prosecuting attorney shall, within 30 days of the final disposition of the case, notify the victim in writing of the final disposition of the case.

**MCL 780.772a Notice to victim of defendant's application to have conviction for assaultive crime set aside; "assaultive crime" defined.**

Sec. 22a. If a defendant applies to have a conviction for an assaultive crime set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the assaultive crime written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement. As used in this section, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 770.9a of the Michigan Compiled Laws.

**MCL 780.773 Cause of action not created.**

Sec. 23. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, or instrumentalities, or employees.

**MCL 780.774 Failure to provide right, privilege, or notice to victim.**

Sec. 24. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

**MCL 780.775 Effective date of article; applicability.**

Sec. 25. (1) This article shall take effect October 9, 1985.

(2) This article shall apply only to crimes committed on or after October 9, 1985.

**ARTICLE 2**

**MCL 780.781 Definitions; designation of person to act in place of victim; rights and privileges.**

Sec. 31. (1) Except as otherwise defined in this article, as used in this article:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(b) "Court" means the family division of circuit court.

(c) "Designated case" means a case designated as a case in which the juvenile is to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

(d) "Juvenile" means an individual alleged or found to be within the court's jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an offense, including, but not limited to, an individual in a designated case.

(e) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained.

(f) "Offense" means 1 or more of the following:

(i) A violation of a penal law of this state for which a juvenile offender, if convicted as an adult, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

(ii) A violation of section 81 (assault and battery, including domestic violence), 81a (assault; infliction of serious injury, including aggravated domestic violence), 115 (breaking and entering or illegal entry), 136b(6) (child abuse in the fourth degree), 145 (contributing to the neglect or delinquency of a minor), 145a (enticing a child for immoral purposes), 145d (using the internet or a computer to make a prohibited communication), 233 (intentionally aiming a firearm without malice), 234 (discharge of a firearm intentionally aimed at a person), 235 (discharge of an intentionally aimed firearm resulting in injury), 335a (indecent exposure), or 411h (stalking) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145, 750.145a, 750.145d, 750.233, 750.234, 750.235, 750.335a, and 750.411h.

(iii) A violation of section 601b(2) (injuring a worker in a work zone) or 617a (leaving the scene of a personal injury accident) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b and 257.617a, or a violation of section 625 (operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol content) of that act, MCL 257.625, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.

(iv) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 33 of the former 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.

(v) A violation of section 80176(1) or (3) (operating a vessel while under the influence of or impaired by intoxicating liquor or

a controlled substance, or with unlawful blood alcohol content) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.

(vi) A violation of a local ordinance substantially corresponding to a law enumerated in subparagraphs (i) to (v).

(vii) A violation described in subparagraphs (i) to (vi) that is subsequently reduced to a violation not included in subparagraphs (i) to (vi).

(g) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(h) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(i) "Victim" means any of the following:

(i) A person who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the juvenile if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the defendant nor incarcerated.

(2) If a victim as defined in subsection (1)(i)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with an offense arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.

#### **MCL 780.782 Information to be given victim.**

Sec. 32. Within 24 hours after the initial contact between the victim of a reported offense and the law enforcement agency having the responsibility for investigating that offense, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following statements:

"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."

"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case.".

#### **MCL 780.783 Return of property to victim.**

Sec. 33. (1) The law enforcement agency having responsibility for investigating a reported offense shall promptly return to the victim property belonging to that victim that is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property that is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the offense and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.

#### **MCL 780.783a Statement on complaint or petition.**

Sec. 33a. The investigating agency or prosecuting attorney that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), or a local ordinance substantially corresponding to a juvenile offense described in section 31(1)(d)(iii), (iv), or (v), shall place a statement on the complaint or petition that the offense resulted in damage to another individual's property or physical injury or death to another individual.

#### **MCL 780.783b Victim of identity theft; filing police report; jurisdiction; "identity theft" defined.**

Sec. 33b. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency.

(2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act.



**MCL 780.784 Separate statement.**

Sec. 34. The investigating agency that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense shall file with the complaint or petition a separate statement listing any known victims of the juvenile offense and their addresses and phone numbers. This separate statement shall not be a matter of public record.

**780.785 Victim to be given telephone number of juvenile facility and notice of release; motion to detain juvenile in facility.**

Sec. 35. (1) If the juvenile has been placed in a juvenile facility, not later than 48 hours after the preliminary hearing of that juvenile for a juvenile offense, the prosecuting attorney or, pursuant to an agreement under section 48a, the court shall give to the victim the telephone number of the juvenile facility and notice that the victim may contact the juvenile facility to determine whether the juvenile has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the juvenile, or both, if the victim requests or has requested that information. If the juvenile is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.

(2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the juvenile be detained in a juvenile facility.

**MCL 780.786 Court jurisdiction; notices to victim; consultation with prosecuting attorney; persons to be informed of victim's current address and telephone number.**

Sec. 36. (1) The court shall accept a petition submitted by a prosecuting attorney that seeks to invoke the court's jurisdiction for a juvenile offense, unless the court finds on the record that the petitioner's allegations are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(2) Within 72 hours after the prosecuting attorney files or submits a petition seeking to invoke the court's jurisdiction for an offense, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give to each victim a written notice in plain English of each of the following:

- (a) A brief statement of the procedural steps in processing a juvenile case, including the fact that a juvenile may be tried in the same manner as an adult in a designated case or waived to the court of general criminal jurisdiction.
- (b) A specific list of the rights and procedures under this article.
- (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.
- (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.
- (e) Suggested procedures if the victim is subjected to threats or intimidation.

(f) The person to contact for further information.

(3) If the victim requests, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give the victim notice of any scheduled court proceedings and any changes in that schedule.

(4) If the juvenile has not already entered a plea of admission or no contest to the original charge at the preliminary hearing, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the offense, including the victim's views about dismissal, waiver, and pretrial diversion programs, before finalizing any agreement to reduce the original charge.

(5) A victim who receives a notice under subsection (1) and chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address and telephone number:

- (a) The prosecuting attorney, or the court if an agreement under section 48a exists.
- (b) If the juvenile is made a public ward, the family independence agency or county juvenile agency, as applicable.
- (c) If the juvenile is imprisoned, the department of corrections or the sheriff as directed by the prosecuting attorney.

**MCL 780.786a Speedy trial.**

Sec. 36a. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:

- (a) A victim of child abuse, including sexual abuse or any other assaultive crime.
- (b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree.
- (c) Sixty-five years of age or older.
- (d) An individual with a disability that inhibits the individual's ability to attend court or participate in the proceedings.

(2) The court, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days after the motion is filed. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.

**MCL 780.786b Removal of case from adjudicative process; notice required; hearing; consultation of victim with prosecuting attorney.**

Sec. 36b. (1) Except for a dismissal based upon a judicial finding on the record that the petition and the facts supporting it are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, a case involving the alleged commission of an offense, as defined in section 31, by a juvenile shall not be diverted, placed on the consent calendar, or made subject to any other prepetition or preadjudication procedure that removes the case from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court's intent to remove the case from the adjudica-

tive process and allows the prosecuting attorney the opportunity to address the court on that issue before the case is removed from the adjudicative process. Before any formal or informal action is taken, the prosecutor shall give the victim notice of the time and place of the hearing on the proposed removal of the case from the adjudicative process. The victim has the right to attend the hearing and to address the court at the hearing. As part of any other order removing any case from the adjudicative process, the court shall order the juvenile or the juvenile's parents to provide full restitution as provided in section 44.

(2) Before finalizing any informal disposition, preadjudication, or expedited procedure, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about that manner of disposing of the case.

**MCL 780.787 Separate waiting area; other safeguards.**

Sec. 37. The court shall provide a waiting area for the victim separate from the juvenile, the juvenile's relatives, and the juvenile's witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with the juvenile, the juvenile's relatives, and the juvenile's witnesses during court proceedings.

**MCL 780.788 Testimony not to be compelled; hearing; exemption from disclosure; exception.**

Sec. 38. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move or, in the absence of a prosecuting attorney, the victim may request that the victim or any other witness not be compelled to testify at any court hearing for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) The home address, home telephone number, work address, and work telephone number of the victim.

(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.

(3) Subsection (2) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

**MCL 780.789 Presence of victim at hearing; sequestering of victim.**

Sec. 39. The victim has the right to be present throughout the entire contested adjudicative hearing or waiver hearing of the juvenile, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court, for good cause shown, may order the victim to be sequestered until the victim first

testifies. The victim shall not be sequestered after he or she first testifies.

**MCL 780.790 Discharge or discipline of victim or victim representative by employer or employer's agent; misdemeanor; contempt; "victim representative" defined.**

Sec. 40. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an offense that if committed by an adult would be an assaultive crime if the victim of the offense is less than 18 years of age.

(c) A person who has been designated under section 31(2) to act in place of a victim of an offense that if committed by an adult would be an assaultive crime during the duration of the victim's physical or emotional disability.

**MCL 780.791 Additional notices to victim.**

Sec. 41. (1) The prosecuting attorney, or, pursuant to an agreement under section 48a, the court, upon and in accordance with the request of the victim, shall give the victim notice of all of the following:

(a) The offenses for which the juvenile was adjudicated or convicted.

(b) The victim's right to make an impact statement at the disposition hearing or sentencing.

(c) The time and place of the disposition or sentencing proceeding.

(2) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the person preparing the report shall give notice to the victim of all of the following:

(a) The victim's right to make an impact statement for use in preparing the report.

(b) The address and telephone number of the person who is to prepare the report.

(c) The fact that the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court.

(3) A notice under subsection (1) or (2) shall inform the victim that his or her impact statement may be oral or written and may include, but shall not be limited to, any of the following:

(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.

(b) An explanation of the extent of any economic loss or property damage suffered by the victim.

(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.

(d) The victim's recommendation for an appropriate disposition or sentence.

**MCL 780.791a Providing victim with form to receive certain notices.**

Sec. 41a. When a juvenile is ordered to be placed in a juvenile facility or sentenced to a term of imprisonment, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall provide the victim with a form the victim may submit to receive the notices from the family independence agency or county juvenile agency, as applicable, provided for under section 48. The form shall include the address of the family independence agency, county juvenile agency, department of corrections, or the sheriff, as applicable, to which the form may be sent.

**MCL 780.792 Report; impact statement.**

Sec. 42. (1) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the victim has the right to submit a written or oral impact statement to the person preparing the report for that person's use in preparing the report.

(2) If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the disposition or sentencing.

(3) Upon the victim's request, a victim's written statement under this section shall be included in the report.

**MCL 780.793 Appearance and statement of victim; notice of disposition.**

Sec. 43. (1) The victim has the right to appear and make an oral impact statement at the juvenile's disposition or sentencing. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.

(2) Upon request, the victim shall be notified by the prosecuting attorney, or, pursuant to an agreement under section 48a, the court of the disposition of the juvenile's offense not more than 30 days after the disposition is made.

**MCL 780.794 Definitions; order of restitution to be made by juvenile.**

Sec. 44. (1) **As used in** this section only:

(a) "Offense" means a violation of a penal law of this state or a violation of an ordinance of a local unit of government of this

state punishable by imprisonment or by a fine that is not a civil fine.

(b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense. **As used in** subsections (2), (3), (6), (8), (9), and (13) **only**, victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of an offense.

(2) Except as provided in subsection (8), at the dispositional hearing or sentencing for an offense, the court shall order, in addition to or in lieu of any other disposition or penalty authorized by law, that the juvenile make full restitution to any victim of the juvenile's course of conduct that gives rise to the disposition or conviction or to the victim's estate. For an offense that is resolved informally by means of a consent calendar diversion or **by another informal method that does not result in a dispositional hearing, by assignment to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal**, the court shall order the restitution required under this section.

(3) If an offense results in damage to or loss or destruction of property of a victim of the offense or results in the seizure or impoundment of property of a victim of the offense, the order of restitution **shall** require that the juvenile do 1 or more of the following, as applicable:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of disposition.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If an offense results in physical or psychological injury to a victim, the order of restitution **shall** require that the juvenile do 1 or more of the following, as applicable:

(a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care.

(b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense.

(d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred or reasonably expected to be incurred as a result of the offense.

(e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred or reasonably expected to be incurred as a result of the offense or, if home-making or child care is provided without compensation by a relative,

friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the offense for that homemaking and child care, based on the rates in the area for comparable services.

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.

**(h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury.**

(5) If an offense resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand or foot or use of a hand or foot.
- (c) Loss of an eye or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the juvenile make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the offense. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount

payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the juvenile make restitution under this section within a specified period or in specified installments.

(11) If the juvenile is placed on probation, any restitution ordered under this section shall be a condition of that probation. The court may revoke probation if the juvenile fails to comply with the order and if the juvenile has not made a good faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, and financial resources, the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay.

(12) **Subject to subsection (18),** a juvenile who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the court to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the juvenile or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the individual ordered to pay restitution for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a juvenile shall not be detained or imprisoned for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court determines that the juvenile has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) If the court determines that the juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent.

(16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time.



(17) A parent who has been ordered to pay restitution under subsection (15) may petition the court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim.

(18) In each case in which payment of restitution is ordered as a condition of probation, the court **shall** order any employed juvenile to **make regularly scheduled restitution payments. If the juvenile misses 2 or more regularly scheduled payments, the court shall order the juvenile to** execute a wage assignment to pay the restitution. The juvenile caseworker or probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the juvenile caseworker or probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the juvenile caseworker or probation officer determines at any review the restitution is not being paid as ordered, the juvenile caseworker or probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage, and any reasons for the arrearage known by the juvenile caseworker or probation officer. The juvenile caseworker or probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(19) If the court determines that an individual who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the individual is remanded to the department's jurisdiction.

(20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

(21) If a person or entity entitled to restitution **under this section** cannot be located, refuses to claim **the** restitution within 2 years after the date on which he or she could have claimed the restitution, **or refuses to accept the restitution,** the restitution to **which** that person or entity **is entitled** shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.

(22) **The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered.**

(23) A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address.

(24) If the victim is a minor, the order of restitution shall require the defendant to pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime:

- (a) Homemaking and child care expenses.
- (b) Income loss not ordered to be paid under subsection (4)(h).
- (c) Mileage.
- (d) Lodging or housing.
- (e) Meals.
- (f) Any other cost incurred in exercising the rights of the victim or a parent under this act.

#### MCL 780.794a Allocation of payments from juveniles.

Sec. 44a. (1) If a juvenile is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that juvenile for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments **ordered to be paid in that proceeding** shall be allocated as provided in this section. **If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution, assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section.**

(2) Except as otherwise provided in this subsection, if a juvenile is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that juvenile shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

- (a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of other costs.

(c) Payment of fines.

(d) Payment of probation or parole supervision fees.

(e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of fines and other costs.

(c) Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

**MCL 780.795 Factors in determining order of restitution by juvenile.**

Sec. 45. (1) In determining the amount of restitution to order under section 44, the court shall consider the amount of the loss sustained by any victim as a result of the offense. In determining whether to order the juvenile's supervisory parent to pay restitution under section 44(15), the court shall consider the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16).

(2) The court may order the person preparing a report for the purpose of disposition to obtain information pertaining to the factors set forth in subsection (1). That person shall include the information collected in the disposition report or in a separate report, as the court directs.

(3) The court shall disclose to the juvenile, the juvenile's supervisory parent, and the prosecuting attorney all portions of the disposition or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the juvenile's supervisory parent and the other factors specified in section 44(16) shall be on the supervisory parent.

**MCL 780.796 Additional notice to victim; rights of victim in further proceedings or new trial.**

Sec. 46. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the juvenile filed an appeal of his or her adjudication, conviction, disposition, or sentence or the prosecuting attorney filed an appeal.

(b) Whether the juvenile has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the juvenile has been ordered

released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court **oral arguments** and any changes in the time or place of those **arguments**.

(d) The result of the appeal. If the disposition or conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) **The** prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.

**MCL 780.796a Notice to victim of juvenile's application to have conviction or adjudication for certain offenses set aside; "assaultive crime" and "serious misdemeanor" defined.**

Sec. 46a. (1) If a juvenile applies to have a conviction for an assaultive crime or serious misdemeanor or an adjudication for an offense that if committed by an adult would be an assaultive crime or a serious misdemeanor set aside under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, and the prosecuting attorney knows the victim's name, the prosecuting attorney shall give the victim of the offense written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under section 18e of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e, concerning that adjudication and make a written or oral statement.

(2) As used in this section:

(a) "Assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) "Serious misdemeanor" means that term as defined in section 61.

**MCL 780.796b Deductions and payments.**

**Sec. 46b. (1) If a juvenile who has been sentenced to the department of corrections is ordered to pay restitution under section 44, and if the juvenile receives more than \$50.00 in a month, the department of corrections shall deduct 50% of the amount over \$50.00 received by the juvenile for payment of the**

restitution. The department of corrections shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the juvenile is paroled, transferred to community programs, or discharged on the maximum sentence.

(2) If a juvenile who has been sentenced to jail is ordered to pay restitution under section 44, and if the juvenile receives more than \$50.00 in a month, the sheriff shall deduct 50% of the amount over \$50.00 received by the juvenile for payment of the restitution. The sheriff shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the juvenile is released to probation or discharged on the maximum sentence.

(3) If a juvenile who has been placed in a juvenile facility is ordered to pay restitution under section 44, and if the juvenile receives more than \$50.00 in a month, the department of human services or the county juvenile agency, as applicable, shall deduct 50% of the amount over \$50.00 received by the juvenile for payment of the restitution. The department of human services or the county juvenile agency, as applicable, shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the juvenile is released from the juvenile facility.

(4) The department of corrections, sheriff, department of human services, or county juvenile agency, as applicable, shall notify the juvenile in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The department of corrections, sheriff, department of human services, or county juvenile agency shall not enter into any agreement with a juvenile that modifies the requirements of this section. An agreement in violation of this subsection is void.

**MCL 780.797 Profit from sale of recollections of thoughts and feelings with regard to offense; juvenile offense; forfeiture; escrow; distribution of proceeds.**

Sec. 47. (1) A juvenile adjudicated for an offense shall not derive any profit from the sale of **any of the following** until the victim receives any restitution or compensation ordered for him or her against the juvenile, expenses of detention are **paid under** subsection (3), **and any balance in** the escrow account created under subsection (2) is **paid** under subsection (4):

(a) **The juvenile's recollections of or thoughts or feelings about the offense committed by the juvenile.**

(b) **Memorabilia related to the offense committed by the juvenile.**

(c) **The juvenile's property if its value has been enhanced or increased by the juvenile's notoriety.**

(2) Upon the disposition of a juvenile offense involving a victim, and after notice to **all interested parties**, an attorney for the county in which the disposition occurred or the attorney general may petition the court in which the disposition occurred to order that **the juvenile** forfeit all or any part of proceeds received or to be received by the juvenile or the juvenile's representatives or assignees from **any of the following**:

(a) **Contracts** relating to the depiction of the offense or the juvenile's recollections, thoughts, or feelings about the offense, in books, magazines, media entertainment, or live entertainment.

(b) **The sale of memorabilia relating to the offense.**

(c) **The sale of property of the juvenile, the value of which has been enhanced or increased by the juvenile's notoriety arising from the crime.**

(3) **Proceeds ordered forfeited under subsection (2)** shall be held in an escrow account for a period of not more than 5 years.

(4) During the existence of an escrow account **created under subsection (3)**, proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under **section 44**.

(b) Any civil judgment in favor of the victim against **the juvenile**.

(c) Any reimbursement for detention ordered under section 18 of chapter XHIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

(d) **Fines, costs, and other assessments ordered against the juvenile.**

(5) A balance remaining in an escrow account **created under subsection (3)** at the end of the escrow period shall be paid to the crime victim's rights fund **created under section 4 of 1989 PA 196, MCL 780.904**.

**MCL 780.798 Notice to victim by court, family independence agency or county juvenile agency, and prosecuting attorney.**

Sec. 48. (1) Upon the victim's written request, the court or the family independence agency or county juvenile agency, as applicable, shall make a good faith effort to notify the victim before any of the following occurs:

(a) The juvenile is dismissed from court jurisdiction or discharged from commitment to the family independence agency or county juvenile agency.

(b) The juvenile is transferred from a juvenile facility to any other juvenile facility.

(c) The juvenile has his or her name legally changed while under the court's jurisdiction or within 2 years after discharge from the court's jurisdiction.

(d) The juvenile is detained for having committed an act which, if committed by an adult, would be a criminal violation.

(2) If the court, family independence agency, or county juvenile agency is not successful in notifying the victim before an event described in subsection (1)(a), (b), or (c) occurs, it shall notify the victim as soon as possible after that event occurs.

(3) Upon the victim's written request, the family independence agency, county juvenile agency, or court shall give to the victim notice of a juvenile's escape from a secure detention or treatment facility. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice.

(4) Upon the victim's written request, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a juvenile who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for the offense against that victim:

(a) Within 30 days after the request, notice of the sheriff's calculation of the juvenile's earliest release date or the department's calculation of the juvenile's earliest parole eligibility, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.



(b) Notice of the juvenile's transfer or pending transfer to a minimum security facility and the facility's address.

(c) Notice of the juvenile's release or pending release in a community residential program, under furlough, or any other transfer to community status; any transfer from 1 community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a state correctional facility.

(d) Notice of the escape of the juvenile accused, convicted, or imprisoned for committing an offense against the victim.

(e) Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the juvenile's release on parole.

(f) Notice of the decision of the parole board, or any other panel having authority over the juvenile's release on parole, after a parole review.

(g) Notice of the release of a juvenile 90 days before the date of the juvenile's discharge from prison, unless the notice has been otherwise provided under this article.

(h) Notice of a public hearing under section 44 of 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the juvenile's sentence by the governor.

(i) Notice that a reprieve, commutation, or pardon has been granted.

(j) Notice that a juvenile has had his or her name legally changed while on parole or within 2 years after release from parole.

(5) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under subsection (4) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As provided in subsection (7) or (8), a victim who requests notice of the escape and the prosecuting attorney who filed the petition alleging the offense for which the juvenile is accused, detained, or under sentence shall be given immediate notice of the juvenile's escape. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(7) If the escape occurs before the sentence is executed or before the juvenile is delivered to the family independence agency, county juvenile agency, sheriff, or the department of corrections, the person in charge of the agency in charge of the juvenile's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

(8) If the juvenile is confined under sentence, the notice of escape shall be given to the victim and the prosecuting attorney by the chief administrator of the place in which the juvenile is confined.

(9) Upon the victim's request, the prosecuting attorney shall give the victim notice of a review hearing conducted under section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The victim has the right to make a statement at the hearing or submit a written statement for use at the hearing, or both.

#### **MCL 780.798a Notification by court.**

Sec. 48a. The court may perform the notification functions delegated to the prosecuting attorney under this article if both of the following circumstances exist:

(a) The prosecuting attorney allows the court to perform those functions pursuant to a written agreement.

(b) The court performed those functions before the effective date of the amendatory act that added this section.

#### **MCL 780.799 Providing victim with certified copy of order of adjudicative hearing.**

Sec. 49. If requested, a victim shall be provided with a certified copy of the order of an adjudicative hearing for purposes of obtaining relief pursuant to section 2913 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2913 of the Michigan Compiled Laws.

#### **MCL 780.800 Cause of action for money damages against state or local government not created.**

Sec. 50. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, or a municipality or any of their agencies, instrumentalities, or employees.

#### **MCL 780.801 Effect of failure to provide right, privilege, or notice to victim.**

Sec. 51. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the juvenile to seek to have any proceeding set aside.

#### **MCL 780.802 Effective date of article; applicability.**

Sec. 52. (1) This article shall take effect June 1, 1988.

(2) This article shall apply only to offenses committed on or after June 1, 1988.

### **ARTICLE 3**

#### **MCL 780.811 Definitions; physical or emotional inability of victim to exercise rights and privileges; ineligibility to exercise privileges and rights.**

Sec. 61. (1) Except as otherwise defined in this article, as used in this article:

(a) "Serious misdemeanor" means 1 or more of the following:

(i) A violation of section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, assault and battery, including domestic violence.

(ii) A violation of section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a, assault; infliction of serious injury, including aggravated domestic violence.

(iii) A violation of section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115, breaking and entering or illegal entry.

(iv) A violation of section 136b(6) of the Michigan penal code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.

(v) A violation of section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145, contributing to the neglect or delinquency of a minor.

(vi) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(vii) A misdemeanor violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, using the internet or a computer to make a prohibited communication.



(viii) A violation of section 233 of the Michigan penal code, 1931 PA 238, MCL 750.233, intentionally aiming a firearm without malice.

(ix) A violation of section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234, discharge of a firearm intentionally aimed at a person.

(x) A violation of section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed firearm resulting in injury.

(xi) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(xii) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, stalking.

(xiii) A violation of section 601b(2) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b, injuring a worker in a work zone.

(xiv) A violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal injury accident.

(xv) A violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.

(xvi) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.

(xvii) A violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.

(xviii) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (xvii).

(xix) A violation charged as a crime or serious misdemeanor enumerated in subparagraphs (i) to (xviii) but subsequently reduced to or pleaded to as a misdemeanor. As used in this subparagraph, "crime" means that term as defined in section 2.

(b) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim.

(c) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of a sentence by the court.

(d) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(e) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim.

(f) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecu-

tion of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(g) "Victim" means any of the following:

(i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a serious misdemeanor, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following individuals other than the defendant if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

(iv) A parent, guardian, or custodian of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process if he or she is not the defendant and is not incarcerated.

(2) If a victim as defined in subsection (1)(g)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, or grandparent or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in place of the victim. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with a serious misdemeanor, a crime as defined in section 2, or an offense as defined in section 31 arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.

(4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.

#### **MCL 780.811a Statement of property damage, physical injury, or death.**

Sec. 61a. A law enforcement officer or prosecuting attorney who files with the court a complaint, appearance ticket, traffic citation, or other charging instrument regarding a serious misdemeanor described in section 61(1)(a)(xv), (xvi), or (xvii), or a local ordinance substantially corresponding to a serious misdemeanor

described in section **61(1)(a)(xv), (xvi), or (xvii)**, shall place a statement on the complaint, appearance ticket, traffic citation, or other charging instrument that the offense resulted in damage to another individual's property or physical injury or death to another individual.

**MCL 780.812 Separate written statement.**

Sec. 62. A law enforcement officer investigating a serious misdemeanor involving a victim shall include with the complaint, appearance ticket, or traffic citation filed with the court a separate written statement including the name, address, and phone number of each victim. This separate statement shall not be a matter of public record.

**MCL 780.813 Information to be given victim of serious misdemeanor.**

Sec. 63. (1) Within 24 hours after the initial contact between the victim of a reported serious misdemeanor and the law enforcement agency having the responsibility for investigating that serious misdemeanor, that agency shall give to the victim the following information in writing:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following statements:

"If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them."

"If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case."

(2) If the case against the defendant is brought under a local ordinance, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim the name and business address of the local prosecuting attorney for the political subdivision responsible for prosecuting the case along with the following statement:

"The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim's rights act."

**MCL 780.813a Revocation of bond or personal recognizance.**

Sec. 63a. Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked.

**MCL 780.814 Return of property to victim; exceptions.**

Sec. 64. (1) The law enforcement agency having responsibility for investigating a reported serious misdemeanor shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the serious misdemeanor and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.

**MCL 780.814a Victim of identity theft; filing police report; jurisdiction; "identity theft" defined.**

Sec. 64a. (1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency.

(2) As used in this section, "identity theft" means that term as defined in section 3 of the identity theft protection act.

**MCL 780.815 Victim to be given notice of availability of pretrial release, phone number of sheriff, and notice of right to contact sheriff.**

Sec. 65. Not later than 72 hours after the arrest of the defendant for a serious misdemeanor, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim notice of the availability of pretrial release for the defendant, the phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff, the sheriff shall notify the law enforcement agency having responsibility for investigating the crime.

**MCL 780.816 Notice to prosecuting attorney and to victim; consultation by victim with prosecuting attorney; dismissal of case; keeping prosecuting attorney and sheriff informed of victim's current address and telephone number.**

Sec. 66. (1) If a plea of guilty or nolo contendere is accepted by the court at the time of the arraignment of the defendant for a serious misdemeanor, the court shall notify the prosecuting attorney of the plea and the date of sentencing within 48 hours after the arraignment. If no guilty or nolo contendere plea is accepted at the arraignment and further proceedings will be scheduled, the court shall so notify the prosecuting attorney within 48 hours after the arraignment. A notice to the prosecuting attorney under this subsection shall be on a separate form and shall include the name, address, and telephone number of the victim. The notice shall not be a matter of public record. Within 48 hours after receiving this notice, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

(a) A brief statement of the procedural steps in the processing of a misdemeanor case, including pretrial conferences.

(b) A specific list of the rights and procedures under this article.

(c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.

(d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.

(e) Suggested procedures if the victim is subjected to threats or intimidation.

(f) The person to contact for further information.

(2) If requested by the victim, the prosecuting attorney shall give to the victim notice of any scheduled court proceedings and notice of any changes in that schedule.

(3) If the defendant has not already entered a plea of guilty or nolo contendere at the arraignment, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the serious misdemeanor, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion.

(4) If the case against the defendant is dismissed at any time, the prosecuting attorney shall notify the victim of the dismissal within 48 hours.

(5) A victim who receives a notice under subsection (1) or (2) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address and telephone number:

(a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.

(b) The sheriff, if the defendant is imprisoned for more than 92 days.

#### **MCL 780.817 Separate waiting area for victim; safeguards.**

Sec. 67. The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.

#### **MCL 780.818 Testimony of victim or other witness; consent of victim; exemption from disclosure; exception.**

Sec. 68. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure

under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) The home address, home telephone number, work address, and work telephone number of the victim.

(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.

(3) Subsection (2) shall not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

#### **MCL 780.819 Expedited trial.**

Sec. 69. An expedited trial may be scheduled for any case in which the victim is averred by the prosecuting attorney to be a child.

#### **MCL 780.820 Conference prior to trial.**

Sec. 70. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the trial of the defendant.

#### **MCL 780.821 Right of victim to be present at trial; sequestering of victim.**

Sec. 71. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies.

#### **MCL 780.822 Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor; penalty; "victim representative" defined.**

Sec. 72. (1) An employer or the employer's agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

(a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.

(b) A parent, guardian, or custodian of a victim of an assaultive serious misdemeanor if the victim of the assaultive serious misdemeanor is less than 18 years of age.

(c) A person who has been designated under section 61(2) to act in place of a victim of an assaultive serious misdemeanor during the duration of the victim's physical or emotional disability.

**MCL 780.823 Additional notice to victim; means; contents of impact statement.**

Sec. 73. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

- (a) The defendant's conviction.
- (b) The offenses for which the defendant was convicted.
- (c) If a presentence investigation report is to be prepared, the victim's right to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant.
- (d) The address and telephone number of the probation office which is to prepare the presentence investigation report.
- (e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.
- (f) The victim's right to make an impact statement at sentencing.
- (g) The time and place of the sentencing proceeding.
- (2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.
- (3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:
  - (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.
  - (b) An explanation of the extent of any economic loss or property damage suffered by the victim.
  - (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.
  - (d) The victim's recommendation for an appropriate sentence.

**MCL 780.824 Preparation of presentence investigation report; written or oral impact statement; inclusion of statement in presentence investigation report.**

Sec. 74. If a presentence investigation report concerning the defendant is prepared, the victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing the report pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report.

**MCL 780.825 Notice of sentencing; impact statement.**

Sec. 75. If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the sentencing. The victim has the right to submit a written impact statement and has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney. The court shall consider the victim's statement in imposing sentence on the defendant.

**MCL 780.826 Definitions; restitution by defendant convicted of misdemeanor.**

Sec. 76. (1) **As used in this section only:**

(a) "Misdemeanor" means a violation of a law of this state or a local ordinance that is punishable by imprisonment for not more than 1 year or a fine that is not a civil fine, but that is not a felony.

(b) "Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a misdemeanor. **As used in subsections (2), (3), (6), (8), (9), and (13) only,** victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a misdemeanor.

(2) Except as provided in subsection (8), when sentencing a defendant convicted of a misdemeanor, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. **For an offense that is resolved by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section.**

(3) If a misdemeanor results in damage to or loss or destruction of property of a victim of the misdemeanor or results in the seizure or impoundment of property of a victim of the misdemeanor, the order of restitution **shall** require that the defendant do 1 or more of the following, as applicable:

- (a) Return the property to the owner of the property or to a person designated by the owner.
- (b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(c) Pay the costs of the seizure or impoundment, or both.

(4) If a misdemeanor results in physical or psychological injury to a victim, the order of restitution **shall** require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care.

(b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the misdemeanor.

(d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the misdemeanor.



(e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the misdemeanor or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the misdemeanor for that homemaking and child care, based on the rates in the area for comparable services.

(f) Pay an amount equal to the cost of actual funeral and related services.

(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.

**(h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury.**

(5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand or foot or use of a hand or foot.
- (c) Loss of an eye or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money.

(7) If the victim is deceased, the court shall order that the restitution be made to the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the misdemeanor. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the

court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments.

(11) If the defendant is placed on probation or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation or sentence. The court may revoke probation or impose imprisonment under the conditional sentence if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or impose imprisonment, the court shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

(12) **Subject to subsection (15),** a defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or otherwise for failure to pay restitution as ordered under this section unless the court determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) In each case in which payment of restitution is ordered as a condition of probation, the court **shall** order any employed defendant to **make regularly scheduled restitution payments. If the defendant misses 2 or more regularly scheduled payments, the court shall order the defendant to** execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to

the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(16) If the court determines that a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the court determines that the defendant is remanded to the department's jurisdiction.

(17) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

(18) If a person or entity entitled to restitution **under this section** cannot be located, refuses to claim the restitution within 2 years after the date on which he or she could have claimed the restitution, **or refuses to accept the restitution**, the restitution to **which** that person or entity **is entitled** shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.

(19) **The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered.**

(20) **A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address.**

(21) **If the victim is a minor, the order of restitution shall require the defendant pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime:**

- (a) **Homemaking and child care expenses.**
- (b) **Income loss not ordered to be paid under subsection (4)(h).**
- (c) **Mileage.**
- (d) **Lodging or housing.**
- (e) **Meals.**

(f) **Any other cost incurred in exercising the rights of the victim or a parent under this act.**

#### **MCL 780.826a Allocation of payments.**

Sec. 76a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments **ordered to be paid in that proceeding** shall be allocated as provided in this section. **If a person is subject to fines, costs, restitution, assessments, probation or parole supervision fees, or other payments in more than 1 proceeding in a court and if a person making a payment on the fines, costs, restitution, assessments, probation or parole supervision fees, or other payments does not indicate the proceeding for which the payment is made, the court shall first apply the money paid to a proceeding in which there is unpaid restitution to be allocated as provided in this section.**

(2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of other costs.

(c) Payment of fines.

(d) Payment of probation or parole supervision fees.

(e) Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

(b) Payment of fines and other costs.

(c) Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim *or* the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

**MCL 780.827 Notice of final disposition of case.**

Sec. 77. Upon the request of a victim, the prosecuting attorney shall, within 30 days after the final disposition of the case, notify the victim in writing of the final disposition of the case.

**MCL 780.827a Notice to victim of defendant's application to have conviction for serious misdemeanor set aside.**

Sec. 77a. If a defendant applies to have a conviction for a serious misdemeanor set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the serious misdemeanor written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim's last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement.

**MCL 780.828 Additional notice to victim; further proceedings or new trial.**

Sec. 78. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant filed an appeal of his or her conviction or sentence or the prosecuting attorney filed an appeal.

(b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(c) The time and place of any appellate court **oral arguments** and any changes in the time or place of those **arguments**.

(d) The result of the appeal. If the conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.

(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) **The** prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.

**MCL 780.828a Information to be mailed to victim of serious misdemeanor; form to receive notices.**

Sec. 78a. (1) Upon the written request of a victim of a serious misdemeanor, the sheriff shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff for commission of that serious misdemeanor:

(a) Within 30 days after the request, notice of the sheriff's calculation of the earliest release date of the prisoner, with all potential good time or disciplinary credits considered if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.

(b) Notice that a prisoner has had his or her name legally changed while imprisoned in the county jail or within 2 years of release from the county jail.

(c) Notice that the prisoner has been placed on day parole or work release.

(2) When a defendant is sentenced to a term of imprisonment, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under this section or section 78b. The form shall include the address of the sheriff's department to which the form may be sent.

**MCL 780.828b Notice of escape.**

Sec. 78b. (1) As provided in subsection (2) or (3), a victim who requests notice of the escape and the prosecuting attorney who is prosecuting or has prosecuted the serious misdemeanor for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a serious misdemeanor against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If the escape occurs before the sentence is executed or before the defendant is delivered to the sheriff, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

(3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined.

**MCL 780.829 Notice of release of defendant; written request.**

Sec. 79. (1) Upon the written request of the victim, the sheriff shall notify the victim of the earliest possible release date of the defendant if the defendant is sentenced to more than 92 days' imprisonment.

(2) The victim's written request for notice under this section shall include the victim's address.

**MCL 780.830 Exemption of victim's address and telephone number from disclosure.**

Sec. 80. A victim's address and telephone number maintained by a court or a sheriff pursuant to this article is exempt from

disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**MCL 780.830a Deductions and payments.**

**Sec. 80a. (1)** If a defendant who has been sentenced to jail is ordered to pay restitution under section 76, and if the defendant receives more than \$50.00 in a month, the sheriff shall deduct 50% of the amount over \$50.00 received by the defendant for payment of the restitution. The sheriff shall promptly send the deducted money to the crime victim as provided in the order of restitution when it accumulates to an amount that exceeds \$100.00, or when the defendant is released to probation or discharged on the maximum sentence.

**(2)** The sheriff shall notify the defendant in writing of all deductions and payments made under this section. The requirements of this section remain in effect until all of the restitution has been paid. The sheriff shall not enter into any agreement with a defendant that modifies the requirements of this section. An agreement in violation of this subsection is void.

**MCL 780.831 Profit from sale of recollections of thoughts and feelings of person convicted; misdemeanor; forfeiture; escrow account; distribution of proceeds.**

**Sec. 81. (1)** A person convicted of a serious misdemeanor shall not derive any profit from the sale of **any of the following** until the victim receives any restitution or compensation ordered for him or her against the defendant, expenses of incarceration are **paid under subsection (3)**, and **any balance in** the escrow account created under subsection (2) is **paid** under subsection (4):

**(a) The person's recollections of or thoughts or feelings about the offense committed by the person.**

**(b) Memorabilia related to the offense committed by the person.**

**(c) The person's property if its value has been enhanced or increased by the person's notoriety.**

**(2)** Upon the conviction of a defendant for a serious misdemeanor involving a victim, and after notice to **all interested parties**, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that **the** defendant forfeit all or any part of proceeds received or to be received by the defendant or the defendant's representatives or assignees from **any of the following**:

**(a) Contracts** relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment.

**(b) The sale of memorabilia relating to the crime.**

**(c) The sale of property of the defendant, the value of which has been enhanced or increased by the defendant's notoriety arising from the crime.**

**(3) Proceeds ordered forfeited under subsection (2)** shall be held in an escrow account for a period of not more than 5 years.

**(4)** During the existence of an escrow account **created under subsection (3)**, proceeds in the account shall be distributed in the following priority to satisfy the following:

**(a)** An order of restitution entered under section 76.

**(b)** Any civil judgment in favor of the victim against **the** defendant.

**(c)** Any reimbursement ordered under the prisoner reimbursement to the county act, **1984 PA 118, MCL 801.81 to 801.93**, or ordered under the state correctional facility reimbursement act, **1935 PA 253, MCL 800.401 to 800.406**.

**(d) Fines, costs, and other assessments ordered against the defendant.**

**(5)** A balance remaining in an escrow account **created under subsection (3)** at the end of the escrow period shall be paid to the crime victim's rights fund **created in section 4 of 1989 PA 196, MCL 780.904**.

**MCL 780.832 No cause of action against state or local government.**

**Sec. 82.** Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, instrumentalities, or employees.

**MCL 780.833 Failure to provide right, privilege, or notice to victim.**

**Sec. 83.** The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

**MCL 780.834 Effective date of article; applicability.**

**Sec. 84. (1)** This article shall take effect June 1, 1988.

**(2)** This article shall apply only to misdemeanors committed on or after June 1, 1988.



# S U M M A R Y

## PA 87, 1985 CRIME VICTIM'S RIGHTS ACT

### ARTICLE 1

(Applies to victims of felonies and 2-year misdemeanors.)

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| <p><b>Section 1.</b> Short title.</p> <ul style="list-style-type: none"> <li>• Act to be known as the "William Van Regenmorter Crime Victim's Rights Act."</li> </ul> <p><b>Section 2.</b> Definition of crime includes felonies and 2-year misdemeanors:</p> <ul style="list-style-type: none"> <li>• Various definitions.</li> <li>• Prisoners, inmates have limited rights.</li> </ul> <p><b>Section 3.</b> Within 24 hours law enforcement agency provides victim with following information in writing:</p> <ul style="list-style-type: none"> <li>• Emergency services.</li> <li>• Victim's compensation details.</li> <li>• Victim's rights contact in prosecutor's office.</li> <li>• Who to contact if no arrest.</li> </ul> <p><b>Section 4.</b> Law enforcement agency:</p> <ul style="list-style-type: none"> <li>• Returns victim's property promptly.</li> <li>• May take photos so evidence property can be returned.</li> </ul> <p><b>Section 4a.</b> Police report for victims of identity theft:</p> <ul style="list-style-type: none"> <li>• Entitles victims of identity theft to a police report to be used to clear their financial records.</li> </ul> <p><b>Section 5.</b> Law enforcement:</p> <ul style="list-style-type: none"> <li>• Provides notice of arrest and availability of pretrial release.</li> <li>• Provides method for victim to know if defendant is released from custody before trial.</li> <li>• Bond revocation procedure if victim provides any credible evidence of acts or threats of physical violence or intimidation.</li> </ul> <p><b>Section 6.</b> Prosecutor notifies victim in plain English of:</p> <ul style="list-style-type: none"> <li>• A specific list of the rights and procedures under this article.</li> <li>• Statement of the court process.</li> <li>• Victim's compensation details.</li> <li>• Threat and intimidation information and procedures for protection.</li> <li>• Schedule of court proceedings and changes.</li> <li>• Consultation about disposition of case, including plea bargaining, dismissal, or pretrial diversion program, before negotiations are finalized.</li> <li>• Address requirement.</li> </ul> <p><b>Section 7.</b> Court to provide separate waiting area for victim separate from defendant or defense witnesses.</p> | <p><b>Section 8.</b> Confidentiality of victim's address, place of employment, telephone number, etc.</p> <p><b>Section 9.</b> Speedy trial for:</p> <ul style="list-style-type: none"> <li>• Child abuse.</li> <li>• Criminal sexual conduct cases.</li> <li>• Victims age 65 years or older.</li> <li>• Victims with a disability that inhibits participation in court.</li> <li>• Time limits for hearing/trial.</li> </ul> <p><b>Section 10.</b> Upon request, victim confers with prosecutor prior to jury selection and trial.</p> <p><b>Section 11.</b> Right of victim to be present at trial.</p> <p><b>Section 12.</b> Victim and "victim representative" protection from employer discipline for required court appearances.</p> <p><b>Section 13.</b> Notice to victim of:</p> <ul style="list-style-type: none"> <li>• Conviction.</li> <li>• Crimes of conviction.</li> <li>• Right to presentence report impact statement and notice statement may be available to defendant.</li> <li>• Right to impact statement at sentencing.</li> <li>• Time and place of sentence.</li> <li>• Detail of impact statement.</li> </ul> <p><b>Section 13a.</b> Right to notification form (for sections 19, 20 and 20a) after defendant is sentenced.</p> <ul style="list-style-type: none"> <li>• Notice to victim if probation revoked.</li> <li>• Notice to victim of boot camp or other alternative incarceration.</li> </ul> <p><b>Section 14.</b> Presentence victim impact statement.</p> <p><b>Section 15.</b> Right to impact statement at sentencing.</p> <ul style="list-style-type: none"> <li>• Victim may choose another person to make their statement.</li> </ul> <p><b>Section 16.</b> Restitution:</p> <ul style="list-style-type: none"> <li>• Require court to order restitution, subject to due process, to eligible individuals, businesses, and governmental agencies.</li> <li>• Property return or restoration.</li> <li>• Cost of physical or psychological care, including costs reasonably expected to be incurred.</li> <li>• Loss of income.</li> <li>• Cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the offense.</li> <li>• Cost of actual and volunteer homemaking and child care expenses.</li> <li>• Cost of seizure or impoundment of vehicle.</li> </ul> |
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### Section 16. (*cont.*)

- Funeral expenses.
- Cost of lost tax credits/deductions for minors.
- Cost of family member's lost wages if caring for victim.
- If victim is a minor, cost of certain expenses by parent/guardian.
- Up to triple restitution if death or serious impairment occurs.
- Services in lieu of money.
- Time limits.
- Restitution as a condition of probation or parole.
- Enforcement of restitution, including wage assignment.
- If defendant is placed on probation, require probation officer to review restitution order/payments.
- No court fee for enforcing a restitution order.
- Court may amend restitution order.
- Notice to victim if bankruptcy filed by defendant.

**Section 16a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.

**Section 17.** Court consideration in determining restitution.

**Section 17a.** Deductions and payments.

**Section 18.** "Son of Sam" requirement prohibits defendant from profiting from crime story, memorabilia or personal possessions made famous by crime. Profits to be placed in escrow account for five years and proceeds to be used for:

- Restitution to the victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

**Section 18a.** Upon written request, notice to victim of:

- Appeal.
- Defendant's release on bail pending appeal. (Requires prosecutor to notify victim within 24 hours after prosecutor receives order.)
- Explanation of appeal procedure.
- Time and place.
- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours after prosecutor is notified of order.)

**Section 19.** Notice to victim of:

- Earliest projected prison release date.
- Transfer to minimum security.
- Release to community program.
- Transfers between community programs.
- Escape.
- Parole board hearing.

### Section 19. (*cont.*)

- Decision of parole board.
- Release or discharge.
- Return from community to prison.

**Section 19a.** Defendant found not guilty by reason or insanity; notice to victim from director of hospital or facility.

**Section 20.** Requirement that victim and prosecutor receive notice of escape.

**Section 20a.** Upon victim's written request, the county juvenile agency or the FIA (if juvenile is ward of state) notifies victim of:

- Juvenile's dismissal or discharge from jurisdiction.
- Juvenile's transfer to nonsecure facility.
- Escape.

**Section 20b.** Upon victim's request, prosecutor provides victim with notice of disposition review hearings for juvenile offenders.

**Section 21.** Right to address parole board.

**Section 22.** Notice of final disposition.

**Section 22a.** Notice to victim of expungement motion for assaultive crimes.

**Section 23.** Cause of action not created.

**Section 24.** Failure to provide right, privilege, or notice to victim.

**Section 25.** Effective date of article; applicability.

## ARTICLE 2

(Applies to victims of crimes committed by juveniles.)

**Section 31.** Definition of offense includes felonies, two-year misdemeanors and the following misdemeanors:

- Assault and battery.
- Assault with infliction of serious injury.
- Breaking and entering or illegal entry.
- Fourth-degree child abuse.
- Contributing to the delinquency of a minor.
- Enticing a child for immoral purposes.
- Using internet or computer to contact or make a prohibited communication.
- Intentionally aiming a firearm without malice.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an intentionally aimed firearm resulting in injury.
- Indecent exposure.
- Misdemeanor stalking offenses.
- Injuring a worker in a construction zone.
- Leaving the scene of a personal injury accident.
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involved an accident resulting in injury or death to another person or damage to another person's property.

**Section 31.** *(cont.)*

- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Drunk-boating offenses resulting in death.

**Section 32.** Within 24 hours law enforcement agency provides victim with following information in writing:

- Emergency services.
- Victim compensation details.
- Victim's rights contact in prosecutor's office.
- How to be notified of an arrest or release.
- Who to contact if no arrest.

**Section 33.** Law enforcement:

- Returns victim's property promptly.
- May take photos so evidence property can be returned.

**Section 33a.** Requires investigating agency or prosecutor to place a statement on the complaint or petition if the violation of the following offenses resulted in damage to another's property or physical injury or death to another:

- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
- Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
- Drunk-boating offenses resulting in death, injury, or damage to another person's property.

**Section 33b.** Police report for victims of identity theft:

- Entitles victims of identity theft to a police report to be used to clear their financial records.

**Section 34.** Investigating agency includes a separate, confidential statement listing any known victims.

**Section 35.** Law enforcement:

- Within 48 hours after the preliminary hearing, the prosecuting attorney, or pursuant to an agreement under section 48a, the court, provides method for victim to know if defendant is held in detention or released prior to preliminary hearing.
- Prosecutor may move that juvenile be placed in detention if victim provides any credible evidence of acts or threats of physical violence or intimidation.

**Section 36.** Court must accept a petition unless there is insufficient evidence. Within 72 hours after a petition is filed, the prosecuting attorney, or pursuant to an agreement under section 48a, the probate court, provides victim with plain English explanation of:

**Section 36.** *(cont.)*

- A specific list of the rights and procedures under this article.
- A summary of the processing of a juvenile offense case, including the possibility of its waiver to adult court.
- Victims compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- Provided prosecutor is involved in case, and the juvenile has not entered a plea of admission or no contest to the original charge at the preliminary hearing, consultation about disposition of case, including plea bargaining, before finalizing any agreement to reduce the original charge.
- Address requirement.

**Section 36a.** Speedy trial for:

- Child abuse.
- Criminal sexual conduct cases.
- Victims age 65 years or older.
- Victims with a disability that inhibits participation in court.
- Time limits for hearing/trial

**Section 36b.** No pre-trial diversion or placement on consent calendar unless:

- Prosecutor is notified.
- Prosecutor may address court on diversion and must consult with victim before finalizing any informal disposition.
- Victim may attend hearing, and give impact statement before finalization of informal disposition.
- Restitution must be ordered.

**Section 37.** Court to provide waiting area for victim separate from defendant or defense witnesses.

**Section 38.** Prosecutor or victim moves that victim or witness not be compelled to testify to protect identity. Confidentiality of victim's address, place of employment, telephone number, etc.

**Section 39.** Right of victim to be present at trial.

**Section 40.** Victim and "victim representative" protection from employer discipline for required court appearances.

**Section 41.** The prosecuting attorney or, pursuant to an agreement under section 48a, the court notifies victim of:

- Adjudicated offenses.
- Right to impact statement at disposition hearing.
- Time and place of disposition hearing.

If a predisposition report is to be written, writer notifies victim of:

- Right to impact statement to be used in report's preparation.

### Section 41. (*cont.*)

- Availability of report and statement to juvenile unless exempted by the court.
- Information for contacting writer of report.
- Details of impact statement.

**Section 41a.** Right to notification form after juvenile is placed in a juvenile facility or prison.

**Section 42.** Right to have impact statement included in predisposition report if one is written. Court must notify prosecutor 10 days prior to disposition if no presentence report is prepared.

**Section 43.** Right to impact statement at disposition. The victim may choose another person to make their statement. The prosecuting attorney or, pursuant to an agreement under section 48a, the court notifies victim of disposition within 14 days.

### Section 44. Restitution:

- Require court to order restitution, subject to due process, to individuals, businesses, and governmental agencies that are eligible.
- Property return or restoration.
- Cost of physical or psychological care, including costs reasonably expected to be incurred.
- Loss of income.
- Cost of actual and volunteer homemaking and child care expenses.
- Funeral expenses.
- Cost of lost tax credit/deduction for minors.
- Cost of family member's lost wages if caring for victim.
- If victim is a minor, cost of certain expenses by parent/guardian.
- Up to triple restitution if death or serious impairment occurs.
- Services in lieu of money.
- Time limits.
- Restitution as a condition of probation or parole.
- Enforcement of restitution, including wage assignment.
- If juvenile is placed on probation, require caseworker or probation officer to review restitution order/payments.
- Responsibility of supervisory parent (up to \$5,000).
- No court fee for enforcing a restitution order.
- Court may amend restitution order.
- Notice to victim if bankruptcy filed by defendant.

**Section 44a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.

**Section 45.** Court consideration in determining restitution.

**Section 46.** Prosecuting attorney notifies victim of:

- Filing of an appeal.

### Section 46. (*cont.*)

- Appeal procedures.
- Time and place of appeal hearing.
- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours of prosecutor receiving order.)
- Juvenile's release on bail pending disposition of appeal. (Prosecutor to notify victim within 24 hours of prosecutor receiving order.)

**Section 46a.** Notice to victim of expungement motion for assaultive crimes or serious misdemeanor.

**Section 46b.** Deductions and payments.

**Section 47.** "Son of Sam" requirement prohibits defendant from profiting from crime story, memorabilia or personal possessions made famous by crime. Profits to be placed in escrow account for five years and proceeds to be used for:

- Restitution to victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

**Section 48.** Upon written request from victim, the court (if juvenile is ward of court) or Family Independence Agency (if juvenile is ward of state) notifies victim of:

- Juvenile's dismissal from jurisdiction.
- Juvenile's transfer to nonsecure facility.
- Escape.
- Detention for new crime committed.
- Upon the victim's request, prosecutor gives victim notice of disposition review hearings.

Upon written request from victim, the sheriff or the Department of Corrections notifies victim of:

- Earliest projected prison release date.
- Transfer to minimum security.
- Release to community program.
- Transfers between community programs.
- Escape.
- Parole board hearing.
- Decision of parole board.
- Release or discharge.

**Section 48a.** Court may perform notification functions delegated to the prosecuting attorney under the act if:

- The prosecutor allows the court to perform those functions pursuant to a written agreement; and
- The court performed those functions before May 1, 1994.

**Section 49.** Certified copy of the order of an adjudicative hearing provided to victim.

- Section 50.** Cause of action for money damages against state or local government not created.
- Section 51.** Effect of failure to provide right, privilege, or notice to victim.
- Section 52.** Effective date of article; applicability.

### ARTICLE 3

- Section 61.** Definition of offense includes the following serious misdemeanors:
- Assault and battery.
  - Assault with infliction of serious injury.
  - Breaking and entering or illegal entry.
  - Fourth-degree child abuse.
  - Contributing to the delinquency of a minor.
  - Enticing a child for immoral purposes.
  - Using internet or computer to contact or make a prohibited communication.
  - Intentionally aiming a firearm without malice.
  - Discharge of a firearm intentionally aimed at a person.
  - Discharge of an intentionally aimed firearm resulting in injury.
  - Indecent exposure.
  - Misdemeanor stalking offenses.
  - Injuring a worker in a construction zone.
  - Leaving the scene of a personal injury accident.
  - Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involved an accident resulting in injury or death to another person or damage to another person's property.
  - Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
  - Drunk-boating offenses resulting in death.
- Section 61a.** Requires law enforcement officer or prosecutor to place a statement on the complaint or petition if the violation of the following offenses resulted in damage to another's property or physical injury or death to another:
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury or death to another person or damage to another person's property.
  - Selling or furnishing alcoholic liquor to a minor, if the violation results in physical injury or death to any individual.
  - Drunk-boating offenses resulting in death, injury, or damage to another person's property.
- Section 62.** Law enforcement officer includes victim information in separate statement.
- Section 63.** Within 24 hours law enforcement agency provides victim with following information in writing:
- Emergency services.

- Section 63.** (*cont.*)
- Victim compensation details.
  - Victim's rights contact in prosecutor's office.
  - How to be notified of an arrest or release.
  - Who to contact if no arrest.
- Section 63a.** Bond revocation procedure if victim provides any credible evidence of acts or threats of physical violence or intimidation.
- Section 64.** Law enforcement:
- Returns victim's property promptly.
  - May take photos so evidence property can be returned.
- Section 64a.** Police report for victims of identity theft:
- Entitles victims of identity theft to a police report to be used to clear their financial records.
- Section 65.** Law enforcement:
- Provides notice of arrest and availability of pre-trial release.
  - Bond revocation procedure if victim certifies threats or intimidation.
- Section 66.** The court notifies the prosecutor of the plea within 48 hours of the arraignment. The notice must be on a separate, nonpublic form. The prosecutor then within 48 hours notifies the victim of the following:
- A specific list of the rights and procedures under the misdemeanor article.
  - Statement of court procedures, including pretrial conferences.
  - Victim's compensation details.
  - Threat and intimidation information and procedures for protection.
  - Schedule of court proceedings and changes.
  - If a plea of guilty or nolo contendere has been entered, consultation about disposition of case, including plea bargaining.
  - Notification of case dismissal within 48 hours.
  - Address requirements.
- Section 67.** Court to provide waiting area for victim separate from defendant or defense witnesses.
- Section 68.** Identity protection for victim, including confidentiality of address, place of employment, telephone number, etc.
- Section 69.** Speedy trial where victim is a child.
- Section 70.** Upon request, victim confers with prosecutor prior to trial.
- Section 71.** Right of victim to be present at trial.
- Section 72.** Victim and "victim representative" protection from employer discipline for required court appearances.
- Section 73.** Prosecutor notifies victim of:
- Conviction.



**Section 73.** (*cont.*)

- Crimes of conviction.
- If one is prepared, right to presentence report impact statement and notice that statement may be available to defendant.
- Right to make impact statement at sentencing.
- Time and place of sentencing hearing.
- Details of impact statement.

**Section 74.** Right to have impact statement included in pre-sentence report if one is written.

**Section 75.** If no presentence report is prepared, court notifies prosecutor of date and time of sentencing at least 10 days before sentencing. The victim has right to submit impact statement at sentencing, or may choose another person to make their statement.

**Section 76.** Require court to order restitution, subject to due process:

- Applies to all misdemeanors.
- Property return or restoration.
- Cost of physical care, including costs reasonably expected to be incurred.
- Loss of income.
- Services in lieu of money.
- Time limits.
- Individuals, businesses, and governmental agencies are eligible.
- Cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the offense, including costs reasonably expected to be incurred.
- Cost of actual and volunteer homemaking and child care expenses.
- Cost of seizure or impoundment of vehicle.
- Cost of lost tax credit/deduction for minors.
- Cost of family member's lost wages if caring for victim.
- If victim is a minor, cost of certain expenses by parent/guardian.
- Up to triple restitution if death or serious impairment occurs.
- If defendant is placed on probation, require probation officer to review restitution order/payments.
- No court fee for enforcing a restitution order.
- Court may amend restitution order.
- Notice to victim if bankruptcy filed by defendant.

**Section 76a.** Priority of payments for restitution, fines, costs, etc., when defendant makes a payment.

**Section 77.** Notification of final disposition.

**Section 77a.** Notice of expungement motion for serious misdemeanor.

**Section 78.** Appeal procedures. Prosecutor notifies victim of:

- Defendant's filing of an appeal.
- Appeal process.
- Time and place of appeal hearing.
- Result of appeal. (Remand, reversal, sentence is vacated, or a new trial ordered requires prosecutor to notify victim within 24 hours of receiving order.)
- Defendant's release on bail pending disposition of appeal. (Requires prosecutor to notify victim within 24 hours after prosecutor is notified of order.)

**Section 78a.** Upon victim's written request sheriff notifies victim of:

- Earliest release date.
- Escape.
- Placement on day parole or work release.

**Section 78b.** Notice to victim of escape.

**Section 79.** Notification of earliest release date.

**Section 80.** Victim information is confidential.

**Section 80a.** Deductions and payments.

**Section 81.** "Son of Sam" requirement prohibits defendant from profiting from crime story, memorabilia or personal possessions made famous by crime. Profits to be placed in escrow account for five years and proceeds to be used for:

- Restitution to victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

**Section 82.** No cause of action against state or local government.

**Section 83.** Failure to provide right, privilege, or notice to victim.

**Section 84.** Effective date of article; applicability.

# CRIMINAL PROCEDURE IN MICHIGAN

## Michigan's Court System

Michigan's judicial system functions as an integrated unit consisting of one supreme court, one court of appeals, one trial court (Circuit Court) of general jurisdiction, and several trial courts of limited jurisdiction. Each court performs a certain role within the judicial system according to the jurisdiction given to it by the Michigan Constitution or the Michigan Legislature.

### Supreme Court

The Michigan Supreme Court is the highest court in the state, hearing cases appealed to it from the Court of Appeals. The Supreme Court has the authority to grant or deny any application for an appeal. In addition to its judicial duties, the Supreme Court is responsible for the general administrative supervision of all courts in the state, including the establishment of all rules for practice and procedure in the courts.

### Court of Appeals

The Michigan Court of Appeals is an "intermediate" appellate court between the Supreme Court and Circuit Court. Jurisdiction of the Court of Appeals is established by state law, but its practice and procedure are governed by Supreme Court rule. The Court of Appeals hears cases appealed to it from Michigan's trial courts. Generally, Court of Appeals judges sit on three-judge panels in four districts located throughout the state.

### Trial Courts

There are trial courts of general and limited jurisdiction. The **Circuit Court** is the trial court with the broadest powers in Michigan. In general, the Circuit Court handles all civil cases with claims of more than \$25,000 and all felony criminal cases, which means all cases where the accused, if found guilty, could be sent to prison. The **family division** of the Circuit Court has exclusive jurisdiction over all family matters such as divorce, custody, child support, juvenile proceedings, and other matters. The **District Court** has exclusive jurisdiction of all civil litigation up to \$25,000 and also handles preliminary examinations, among other proceedings. A **small claims division** for certain civil claims is provided in the District Court. The **Probate Court** supervises "probating" of wills and administering estates and trusts.

## Criminal Proceedings

The following information is a brief summary of the procedures involved in processing a criminal case. Cases do not always go to trial so not all of these steps will be realized in every case.

- **The Complaint:** Criminal proceedings usually begin with a complaint. A complaint is a written accusation that a named or described person has committed a specified criminal offense.
- **Warrant Request:** When law enforcement has probable cause to believe a person has committed a crime, they request the prosecutor to authorize a warrant for the person's arrest. The

prosecutor determines whether a person should be charged with a crime.

- **Arrest Warrant:** A court issues an arrest warrant (or a summons) if presented with a proper complaint and if the court finds probable cause to believe that the accused committed the alleged offense.
- **Arraignment:** Once arrested and charged with a felony, the suspect appears in District Court for arraignment. At arraignment, defendants are given notice of the charges against them and advised of their constitutional rights. The court also addresses issues of pretrial release, possible appointment of counsel, and scheduling of the defendant's preliminary examination.
- **Preliminary Examination:** Preliminary examination is a contested hearing where the prosecutor presents evidence to convince the district judge that a crime has been committed and that there is probable cause to believe the defendant committed it. The defendant may be represented and can cross-examine the witnesses and present evidence. It is the judge's duty to bind a defendant over for a trial if it appears at the conclusion of the preliminary examination that a felony has been committed and that the defendant committed it.
- **Circuit Court Arraignment:** Defendants are again arraigned, given formal notice of the charges against them, informed of their constitutional rights, and asked to enter a plea.
- **Pretrial Proceedings:** The court hears motions to determine whether evidence will be admitted or suppressed at the defendant's trial, or whether there is some legal reason why the defendant should not be tried. Also, the prosecutor and defense attorneys meet to decide whether the defendant will plead guilty.
- **Trial:** The defendant has a right to trial by jury but under certain conditions may be tried by a judge. During the trial, the judge or jury will determine whether the defendant has committed a crime. A trial is an adversary proceeding whereby the prosecution must present evidence to establish the defendant's guilt beyond a reasonable doubt.
- **Sentencing:** If the defendant is found guilty of a crime, the judge will set a date for sentencing. At the time of sentencing, the judge will consider the information in a report produced by the probation officer, before determining the sentence. The judge must apply the sentencing guidelines as a reference for framing an appropriate sentence. Determination of the minimum sentence is the judge's sole responsibility, although some convictions carry a legally mandated minimum sentence.

It should be noted that the Circuit Court's family division has a juvenile division known as the **Juvenile Court**, which handles cases of juveniles under the age of 17, unless they are waived to the adult court. Processing a juvenile offense is less formal and more flexible than corresponding procedures for adults.

If you are a victim and have specific questions about the process in your case, you should contact your local prosecutor for more information.

# CRIME VICTIM COMPENSATION

Separate from restitution provided for in the Crime Victim's Rights Act, victims may be eligible for compensation from the state.

## What Is the Crime Victim Services Commission?

1976 PA 223 (MCL §§18.351 to 18.368) governs the Michigan Crime Victim Services Commission. Under the Act persons who suffer personal injury as a direct result of a Michigan crime may be eligible for assistance. Personal injury means actual bodily harm. In addition, a surviving spouse, parent, child, sibling, or other dependent of a victim who dies as a result of a crime may be eligible for assistance.

Assistance may include compensation for medical expenses, funeral costs, counseling, rehabilitation, and loss of earnings or loss of support resulting from an injury which is the direct result of a crime.

## Who May Be Eligible for Compensation?

- A crime victim who suffers personal physical injury as the direct result of a crime.
- An intervenor who suffers personal physical injury while going to the aid of a crime victim.
- A surviving spouse, parent, child, sibling, or other dependent of a crime victim who dies as a direct result of a crime.
- A Michigan resident injured by crime in another state that does not have a victim compensation program available.

## How Does a Person File a Claim?

- Obtain and fill out an application form. Forms are available from the Crime Victim Services Commission or may be available at other places listed at the back of this booklet. Under the Act your claim must be filed with the Commission not later than one year after the occurrence of the crime. So, any time within one year of a crime, you can and should file a claim. Prosecuting attorneys, sheriffs, police departments, state police posts, and other agencies may have forms and may help you, but they do not represent the Crime Victim Services Commission, and they cannot waive any requirement of the law or rules of the Commission.

## Does a Person Need an Attorney to File a Claim?

Except in unusual circumstances, you do not need an attorney, but you do have a right to hire one. In deciding whether to hire an attorney, you should think about the following facts.

- The Commission investigates each claim and is willing to deal directly with you. You can hire an attorney at any stage of the process. Any attorney fees must be paid by you out of your award. Commission rules do limit the amount of attorney fees which are payable, so you may want to discuss that with an attorney before you hire one.

## Compensation

- The actual amount of compensation, if any, depends upon the facts of each case. Do not try to decide for yourself whether you are eligible. If there is any doubt, file a claim and the Commission will decide. Compensation to crime victims is limited in many ways; here are some of the limits:
  - Maximum total dollars allowable - \$15,000.00.
  - Maximum funeral expenses up to \$2,000.00.
  - Not more than \$200.00 for each week of lost earnings or, in the case of a death, lost support.
  - Losses resulting from an injury or death are awarded only if a person has no insurance or public assistance available.
  - If a person will not suffer serious financial hardship, then he or she must be denied an award even though a loss was suffered.

## What Are Some Losses That Are Not Covered?

- Personal property loss or damage.
- Pain and suffering.
- Injuries received while confined in a correctional facility.
- Victims of motor vehicle accidents with no available automobile insurance should file a claim with the Secretary of State's Assigned Claims Plan.

## To Receive Compensation, What Other Basic Conditions Must Be Satisfied?

- Claims must be filed within one year from the date of the crime except in the following circumstances:
  - When a child is a victim of sexual abuse, the crime must be reported before the child turns 19, and the claim must be filed within one year of the report.
  - When a crime is discovered by a law enforcement agency where the injury was previously determined to be accidental, of unknown origin, or from natural causes, the claim must be filed within one year of the discovery.
  - The Commission may, upon petition by the claimant and for good cause shown, extend the period in which a claim may be filed.
- The crime must be reported to the police within 48 hours, unless the Commission finds there was good cause for any delay in making a police report.
- To recover an out-of-pocket loss, a person must show a loss of at least \$200.00 in medical expenses, or other expenses not otherwise reimbursable.
- To recover loss of earnings or loss of support, a person must have suffered at least two continuous weeks' disability from criminal injury.



- A person cannot be criminally responsible for the crime and cannot be an accomplice.
- The victim must be willing to cooperate with law enforcement agencies in the investigation of the crime and with the courts in the prosecution of a defendant.
- The Commission may reject a claim or reduce any award if the victim contributed to the infliction of the injury.

### **What Happens After a Claim Is Filed?**

- The Commission acknowledges the claimant's request for consideration and notifies the prosecuting attorney that a claim for compensation is pending.
- An investigation is conducted to verify the validity of the claim and the extent of any compensable loss. The claimant may be requested to provide documentation if the Commission is otherwise unable to verify the claim.
- If dissatisfied, the claimant has 30 days in which to appeal the decision of the member to the full Commission. An evidentiary hearing is provided to a claimant who requests one. The decision of the full Commission becomes the final decision of the Commission.
- If still dissatisfied, the claimant has 30 days to file a request for leave to appeal with the Court of Appeals.

### **Coordination of Benefits**

- The Commission is the payor of last resort.
- Payments from insurance or public funds for out-of-pocket expenses, lost earnings, or support (except disability or death benefits paid to a peace officer) are primary resources and must be deducted prior to any award for compensation.
- The claimant must repay the State of Michigan out of any subsequent insurance settlement or court-ordered restitution covering a loss reimbursed by the Commission.

### **Waiver of Limits**

- The minimum loss requirements will be waived for persons retired by reason of age or disability.
- The minimum loss requirement will be waived for the expense of forensic medical exams for sexual assault victims.

### **What About False Information?**

- If a person falsely presents the facts and circumstances of a crime with the intent to defraud or cheat and causes an award to be made under the Act, that is a crime. So, a person can be prosecuted for putting false information in an application or causing other false information to be submitted to the Commission.

### **Where to File a Claim**

Crime Victim Services Commission  
320 South Walnut  
Lansing, MI 48913  
Phone: (517) 373-7373

### **Where Are Claim Forms Available?**

Crime Victim Services Commission  
Prosecuting Attorneys  
State Police Posts  
Online at [www.michigan.gov/mdch](http://www.michigan.gov/mdch)

## VICTIM CONTACTS FOR MICHIGAN COUNTIES

**ALCONA**

Prosecutor: (989) 724-5142  
Victim Contact: (989) 724-5142  
Sheriff: (989) 724-6271  
Victim Contact: (989) 736-3436

**ALGER**

Prosecutor: (906) 387-2117  
Victim Contact: (906) 387-2117  
Sheriff: (906) 387-4444

**ALLEGAN**

Prosecutor: (269) 673-0280  
Victim Contact: (269) 673-0280  
Sheriff: (269) 673-0500  
Victim Contact: (269) 673-0521

**ALPENA**

Prosecutor: (989) 354-9738  
Victim Contact: (989) 354-9738  
Sheriff: (989) 354-9830  
Victim Contact: (989) 354-9838

**ANTRIM**

Prosecutor: (231) 533-6860  
Victim Contact: (231) 533-6860  
Sheriff: (231) 533-8627

**ARENAC**

Prosecutor: (989) 846-4597  
Victim Contact: (989) 846-4597  
Sheriff: (989) 846-4561

**BARAGA**

Prosecutor: (906) 524-5440  
Victim Contact: (906) 524-5440  
Sheriff: (906) 524-6177

**BARRY**

Prosecutor: (269) 945-1297  
Victim Contact: (269) 945-1297  
Sheriff: (269) 948-4805  
Victim Contact: (269) 945-9676

**BAY**

Prosecutor: (989) 895-4185  
Victim Contact: (989) 895-4185  
Sheriff: (989) 895-4050

**BENZIE**

Prosecutor: (231) 882-0043  
Victim Contact: (231) 882-0062  
Sheriff: (231) 882-4484

**BERRIEN**

Prosecutor: (269) 983-7111,  
ext. 8311  
Victim Contact: (269) 983-7111,  
ext. 8302  
Sheriff: (269) 983-7141

**BRANCH**

Prosecutor: (517) 279-4319  
Victim Contact: (517) 279-4319  
Sheriff: (517) 278-2325

**CALHOUN**

Prosecutor: (269) 969-6976  
Victim Contact: (269) 969-6942  
Sheriff: (269) 969-6441

**CASS**

Prosecutor: (269) 445-4460  
Victim Contact: (269) 445-4469  
Sheriff: (269) 445-1201  
Victim Contact: (269) 445-1201

**CHARLEVOIX**

Prosecutor: (231) 547-7207  
Victim Contact: (231) 547-7207  
Sheriff: (231) 547-4461

**CHEBOYGAN**

Prosecutor: (231) 627-8450  
Victim Contact: (231) 627-8879  
Sheriff: (231) 627-3155  
Victim Contact: (231) 627-3155

**CHIPPEWA**

Prosecutor: (906) 635-6342  
Victim Contact: (906) 635-6342  
Sheriff: (906) 635-6355

**CLARE**

Prosecutor: (989) 539-9831  
Victim Contact: (989) 539-9831,  
ext. 2602  
Sheriff: (989) 539-7166  
Victim Contact: (989) 539-9831

**CLINTON**

Prosecutor: (989) 224-5260  
Victim Contact: (989) 224-5260  
Sheriff: (989) 224-5200  
Victim Contact: (989) 224-5200

**CRAWFORD**

Prosecutor: (989) 344-3246  
Victim Contact: (989) 344-3248  
Sheriff: (989) 348-4616  
Victim Contact: (989) 348-2322

**DELTA**

Prosecutor: (906) 789-5115  
Victim Contact: (906) 789-5115  
Sheriff: (906) 786-3633  
Victim Contact: (906) 786-3633

**DICKINSON**

Prosecutor: (906) 774-1294  
Victim Contact: (906) 774-1294  
Sheriff: (906) 774-6262

**EATON**

Prosecutor: (517) 543-7500,  
ext. 400  
Victim Contact: (517) 543-7500,  
ext. 243  
Sheriff: (517) 543-3512  
Victim Contact: (517) 372-8217,  
ext. 374

**EMMET**

Prosecutor: (231) 348-1725  
Victim Contact: (231) 348-1725  
Sheriff: (231) 347-2032

**GENESEE**

Prosecutor: (810) 257-3210  
Victim Contact: (810) 257-3493  
Sheriff: (810) 257-3407

**GLADWIN**

Prosecutor: (989) 426-8592  
Victim Contact: (989) 426-8592  
Sheriff: (989) 426-9284

**GOGEBIC**

Prosecutor: (906) 667-0471  
Victim Contact: (906) 667-0471  
Sheriff: (906) 667-0203  
Victim Contact: (906) 932-0138

**GRAND TRAVERSE**

Prosecutor: (231) 922-4600  
Victim Contact: (231) 922-4607  
Sheriff: (231) 995-5001

**GRATIOT**

Prosecutor: (989) 875-5236  
Victim Contact: (989) 875-5236  
Sheriff: (989) 875-5214

**HILLSDALE**

Prosecutor: (517) 439-1419  
Victim Contact: (517) 439-1419  
Sheriff: (517) 437-7317

**HOUGHTON**

Prosecutor: (906) 482-3214  
Victim Contact: (906) 482-3214  
Sheriff: (906) 482-0055

**HURON**

Prosecutor: (989) 269-9255  
Victim Contact: (989) 269-9255  
Sheriff: (989) 269-9910  
Victim Contact: (989) 269-9746

**INGHAM**

Prosecutor: (517) 483-6103  
Victim Contact: (517) 483-6103  
Sheriff: (517) 676-8206  
Victim Contact: (517) 676-8437

**IONIA**

Prosecutor: (616) 527-5302  
Victim Contact: (616) 527-8226  
Sheriff: (616) 527-5383  
Victim Contact: (616) 642-9202

**IOSCO**

Prosecutor: (989) 362-6141  
Victim Contact: (989) 362-6141  
Sheriff: (989) 362-6164  
Victim Contact: (989) 362-8459

**IRON**

Prosecutor: (906) 875-6628  
Victim Contact: (906) 875-0633  
Sheriff: (906) 875-6669  
Victim Contact: (906) 875-6628

**ISABELLA**

Prosecutor: (989) 772-0911,  
ext. 311  
Victim Contact: (989) 772-0911,  
ext. 311  
Sheriff: (989) 772-5911

**JACKSON**

Prosecutor: (517) 788-4283  
Victim Contact: (517) 788-4283  
Sheriff: (517) 768-7900

**KALAMAZOO**

Prosecutor: (269) 383-8900  
Victim Contact: (269) 383-8900  
Sheriff: (269) 385-6173

**KALKASKA**

Prosecutor: (231) 258-3325  
Victim Contact: (231) 258-3327  
Sheriff: (231) 258-8686

**KENT**

Prosecutor: (616) 632-6710  
Victim Contact: (616) 632-5400  
Sheriff: (616) 632-6100  
Victim Contact: (616) 632-6167

**KEWEENAW**

Prosecutor: (906) 337-6802  
Victim Contact: (906) 337-6802  
Sheriff: (906) 337-0528

**LAKE**

Prosecutor: (231) 745-2775  
Victim Contact: (231) 745-3735  
Sheriff: (231) 745-2712

**LAPEER**

Prosecutor: (810) 667-0326  
Victim Contact: (810) 667-0326  
Sheriff: (810) 664-1801

**LEELANAU**

Prosecutor: (231) 256-9872  
Victim Contact: (231) 256-9872  
Sheriff: (231) 256-9829  
Victim Contact: (231) 256-9872

**LENAWEE**

Prosecutor: (517) 264-4640  
Victim Contact: (517) 264-4641  
Sheriff: (517) 263-7980

**LIVINGSTON**

Prosecutor: (517) 546-1850  
Victim Contact: (517) 546-1850  
Sheriff: (517) 546-2440

**LUCE**

Prosecutor: (906) 293-3277  
Victim Contact: (906) 293-3277  
Sheriff: (906) 293-8431

**MACKINAC**

Prosecutor: (906) 643-7329  
Victim Contact: (906) 643-7329  
Sheriff: (906) 643-1911

**MACOMB**

Prosecutor: (586) 469-5350  
Victim Contact: (586) 469-5675  
Sheriff: (586) 469-5151

**MANISTEE**

Prosecutor: (231) 723-7518  
Victim Contact: (231) 723-7518  
Sheriff: (231) 723-8393

**MARQUETTE**

Prosecutor: (906) 225-8310  
Victim Contact: (906) 225-8315  
Sheriff: (906) 225-8435

**MASON**

Prosecutor: (231) 845-7377  
Victim Contact: (231) 845-7377  
Sheriff: (231) 843-3475  
Victim Contact: (231) 843-3324

**MECOSTA**

Prosecutor: (231) 592-0141  
Victim Contact: (231) 592-0141  
Sheriff: (231) 592-0150  
Victim Contact: (231) 592-0150

**MENOMINEE**

Prosecutor: (906) 863-2002  
Victim Contact: (906) 863-2002  
Sheriff: (906) 863-4441  
Victim Contact: (906) 753-4806

**MIDLAND**

Prosecutor: (989) 832-6722  
Victim Contact: (989) 832-6722  
Sheriff: (989) 839-4600

**MISSAUKEE**

Prosecutor: (231) 839-3111  
Victim Contact: (231) 839-3111  
Sheriff: (231) 839-4338

**MONROE**

Prosecutor: (734) 240-7601  
Victim Contact: (734) 240-7601  
Sheriff: (734) 240-7409

**MONTCALM**

Prosecutor: (989) 831-7327  
Victim Contact: (989) 831-7326  
Sheriff: (989) 831-7590  
Victim Contact: (989) 831-5253

**MONTMORENCY**

Prosecutor: (989) 785-8070  
Victim Contact: (989) 785-8070  
Sheriff: (989) 785-4238  
Victim Contact: (989) 785-8070

**MUSKEGON**

Prosecutor: (231) 724-6676  
Victim Contact: (231) 724-6676  
Sheriff: (231) 724-6369  
Victim Contact: (231) 724-6506

## 40 VICTIM CONTACTS

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### NEWAYGO

Prosecutor: (231) 689-7283  
Victim Contact: (231) 689-7283  
Sheriff: (231) 689-6623  
Victim Contact: (231) 689-6623

### OAKLAND

Prosecutor: (248) 858-0656  
Victim Contact: (248) 858-0656  
Sheriff: (248) 858-5001

### OCEANA

Prosecutor: (231) 873-4608  
Victim Contact: (231) 873-4608  
Sheriff: (231) 873-2121

### OGEMAW

Prosecutor: (989) 345-5700  
Victim Contact: (989) 345-6222  
Sheriff: (989) 345-3111  
Victim Contact: (989) 345-0261

### ONTONAGON

Prosecutor: (906) 884-4155  
Victim Contact: (906) 884-4155  
Sheriff: (906) 884-4901

### OSCEOLA

Prosecutor: (231) 832-3226  
Victim Contact: (231) 832-3226  
Sheriff: (231) 832-2288  
Victim Contact: (231) 832-2288

### OSCODA

Prosecutor: (989) 826-1120  
Victim Contact: (989) 826-1119  
Sheriff: (989) 826-3214

### OTSEGO

Prosecutor: (989) 731-7430  
Victim Contact: (989) 731-7430  
Sheriff: (989) 732-3555

### OTTAWA

Prosecutor: (616) 846-8215  
Victim Contact: (616) 846-8368  
Sheriff: (616) 738-4000  
Victim Contact: (616) 738-4000

### PRESQUE ISLE

Prosecutor: (989) 734-4709  
Victim Contact: (989) 734-4709  
Sheriff: (989) 734-2156

### ROSCOMMON

Prosecutor: (989) 275-5233  
Victim Contact: (989) 275-5233  
Sheriff: (989) 275-5101

### SAGINAW

Prosecutor: (989) 790-5330  
Victim Contact: (989) 790-5561  
Sheriff: (989) 790-5456  
Victim Contact: (989) 790-5447

### ST. CLAIR

Prosecutor: (810) 985-2400  
Victim Contact: (810) 985-2301  
Sheriff: (810) 987-1712

### ST. JOSEPH

Prosecutor: (269) 467-5547  
Victim Contact: (269) 467-5546  
Sheriff: (269) 467-9045  
Victim Contact: (269) 467-5601

### SANILAC

Prosecutor: (810) 648-3402  
Victim Contact: (810) 648-5463  
Sheriff: (810) 648-2000

### SCHOOLCRAFT

Prosecutor: (906) 341-3691  
Victim Contact: (906) 341-3692  
Sheriff: (906) 341-2122

### SHIAWASSEE

Prosecutor: (989) 743-2373  
Victim Contact: (989) 743-2468  
Sheriff: (989) 743-2204  
Victim Contact: (989) 288-5066

### TUSCOLA

Prosecutor: (989) 672-3900  
Victim Contact: (989) 672-3911  
Sheriff: (989) 673-8161  
Victim Contact: (989) 673-8161

### VAN BUREN

Prosecutor: (269) 657-8236  
Victim Contact: (269) 657-8239  
Sheriff: (269) 657-2006  
Victim Contact: (269) 674-7140

### WASHTENAW

Prosecutor: (734) 222-6620  
Victim Contact: (734) 222-6664  
Sheriff: (734) 971-8400

### WAYNE

Prosecutor: (313) 224-5789  
Victim Contact: (313) 224-7367  
Sheriff: (313) 224-2233

### WEXFORD

Prosecutor: (231) 779-9505  
Victim Contact: (231) 779-9505  
Sheriff: (231) 779-9211



## MICHIGAN TRIBAL VICTIM ASSISTANCE

### HANNAHVILLE INDIAN COMMUNITY DELTA/MENOMINEE COUNTIES

Advocate: (906) 466-2932

### KEWEENAW BAY INDIAN COMMUNITY BARAGA COUNTY

Advocate: (906) 353-4533

### LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS GOGEBIC COUNTY

Prosecutor: (906) 358-4313

Advocate: (906) 358-4940

### GRAND TRAVERSE BAND OF OTTAWA/CHIPPEWA INDIANS LEELANAU COUNTY

Prosecutor: (231) 271-7637

Advocate: (231) 271-3538

### LITTLE RIVER BAND OF OTTAWA INDIANS MANISTEE COUNTY

Prosecutor: (231) 398-3384

Paralegal: (231) 398-3384

### SAGINAW CHIPPEWA TRIBE

Prosecutor: (989) 775-4810

Advocate: (989) 775-4810

### SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

Advocate: (906) 635-7705

## CITY VICTIM ADVOCATES

### CITY OF FLINT

City Attorney: (810) 766-7146

Advocate: (810) 766-8994

### CITY OF HOLLAND

City Attorney: (616) 392-1821

Victim Contact: (616) 392-1821

## STATE OF MICHIGAN ADVOCATES

Office of the Attorney General (517) 373-1110  
Victim Advocate/Child Support Division (517) 373-1111

Michigan Department of Corrections (517) 373-1949  
Crime Victim Services Coordinator (517) 335-1381

## UNITED STATES GOVERNMENT ADVOCATES

U.S. Attorney Western District (616) 456-2404,  
ext. 3333  
Victim/Witness Coordinator  
Western District (616) 456-2404,  
ext. 3034

U.S. Attorney Eastern District (313) 226-9100  
Victim/Witness Coordinator  
Eastern District (313) 226-9100  
FBI Victim Specialist (906) 226-2058

# MICHIGAN STATE POLICE POSTS

POST	ADDRESS	CITY	PHONE
<b>1st DHQ—Lansing</b>	<b>7119 N. Canal Rd.</b>	<b>Lansing, 48913</b>	<b>(517) 322-1907</b>
Lansing #11	7119 N. Canal Rd.	Lansing, 48913	(517) 322-1907
Brighton #12	4803 Old US-23	Brighton, 48114	(810) 227-1051
Ithaca #14	1876 N. State Rd.	Ithaca, 48847	(989) 875-4112
Corunna #15	706 W. Corunna Ave.	Corunna, 48817	(989) 723-6761
State Capitol #16	504 W. Allegan	Lansing, 48913	(517) 373-2836
Jackson #17	3401 Cooper St.	Jackson, 49201	(517) 780-4580
Adrian #18	222 N. Adrian Hwy.	Adrian, 49221	(517) 263-1350
Jonesville #19	476 E. Chicago Rd.	Jonesville, 49250	(517) 849-9922
<b>2nd DHQ—Northville</b>	<b>42145 W. Seven Mile Rd.</b>	<b>Northville, 48167</b>	<b>(248) 380-1020</b>
Metro North #21	14350 Ten Mile Rd.	Oak Park, 48237	(248) 584-5740
Metro Dispatch #22	1050 Sixth St.	Detroit, 48226	(313) 237-2450
Richmond #24	36725 Division Rd.	Richmond, 48062	(586) 727-0200
Metro South #25	12111 Telegraph Rd.	Taylor, 48180	(734) 287-5000
Ypsilanti #26	1501 S. Huron St.	Ypsilanti, 48197	(734) 482-1213
Groveland Team #27	14645 Dixie Hwy., P.O. Box 29	Holly, 48442	(248) 634-4882
Monroe #28	300 Jones Ave.	Monroe, 48161	(734) 242-3500
Detroit #29	Cadillac Place, 3050 W. Grand Blvd.	Detroit, 48202	(313) 456-6600
<b>3rd DHQ—Saginaw</b>	<b>411-B.E. Genesee Ave.</b>	<b>Saginaw, 48607</b>	<b>(989) 758-1760</b>
Bay City #31	405 N. Euclid Ave.	Bay City, 48706	(989) 684-2235
East Tawas #32	410 N. US-23	East Tawas, 48730	(989) 362-3435
Bad Axe #33	675 S. VanDyke Rd.	Bad Axe, 48413	(989) 269-6441
Sandusky #34	90 W. Sanilac	Sandusky, 48471	(810) 648-2234
Flint #35	G-4481 Corunna Rd.	Flint, 48532	(810) 732-1111
West Branch #36	496 E. Houghton	West Branch, 48661	(989) 345-0956
Bridgeport #37	6280 Dixie Hwy.	Bridgeport, 48722	(989) 777-3700
Lapeer #38	975 S. Main St.	Lapeer, 48446	(810) 664-2906
Caro #39	1485 Cleaver Rd.	Caro, 48723	(989) 673-2157
Gladwin #40	1302 Chatterton St.	Gladwin, 48624	(989) 426-3068
<b>5th DHQ—Paw Paw</b>	<b>108 W. Michigan Ave.</b>	<b>Paw Paw, 49079</b>	<b>(269) 657-6081</b>
Paw Paw #51	43255 60th Ave.	Paw Paw, 49079	(616) 657-5551
White Pigeon #52	101 US-131 North	White Pigeon, 49099	(269) 483-7612
Niles #53	1600 Silverbrook Ave.	Niles, 49120	(269) 683-4411
Brigman #54	9301 Red Arrow Hwy.	Brigman, 49106	(269) 465-6525
South Haven #55	720 LaGrange St.	South Haven, 49090	(269) 637-2126
Wayland #56	544 N. Main St.	Wayland, 49348	(269) 792-2213
Battle Creek #57	610 W. Columbia Ave.	Battle Creek, 49015	(269) 968-6115
Hastings #58	1127 W. State St.	Hastings, 49058	(269) 948-8283
Coldwater #59	186 E. State St.	Coldwater, 49036	(517) 278-2373
<b>6th DHQ—Grand Rapids</b>	<b>588 Three Mile Rd.</b>	<b>Grand Rapids, 49544</b>	<b>(616) 647-0800</b>
Rockford #61	345 Northland Dr., NE	Rockford, 49341	(616) 866-4411
Reed City #62	825 S. Chestnut St.	Reed City, 49677	(231) 832-2221
Mt. Pleasant #63	3580 S. Isabella Rd.	Mt. Pleasant, 48858	(989) 773-5951
Grand Haven #64	1622 S. Beacon Blvd.	Grand Haven, 49417	(616) 842-2100
Newaygo #65	360 Adams	Newaygo, 49337	(231) 652-1661
Hart #66	3793 W. Polk Rd.	Hart, 49420	(231) 873-2171
Lakeview #67	10300 Howard City-Edmore Rd.	Lakeview, 48850	(989) 352-8444
Ionia #68	3140 S. State Rd.	Ionia, 48846	(616) 527-3600

POST	ADDRESS	CITY	PHONE
<b>7th DHQ—Traverse City</b>	<b>4472 Mt. Hope Rd., Suite 1</b>	<b>Williamsburg, 49690</b>	<b>(231) 938-0714</b>
Traverse City #71	218 W. 14th St.	Traverse City, 49684	(231) 946-4647
Cheboygan #72	1206 S. Main St.	Cheboygan, 49721	(231) 627-9974
Gaylord #73	563 S. Otsego	Gaylord, 49735	(889) 732-5141
Alpena #74	3283 W. Washington	Alpena, 49707	(889) 354-4101
Houghton Lake #75	9011 W. Lake City Rd.	Houghton Lake, 48629	(889) 422-5103
Cadillac #76	7711 S. US-131	Cadillac, 49601	(231) 779-6040
Manistee #77	212 Arthur St.	Manistee, 49660	(231) 723-3536
Petoskey #78	1200 M-119	Petoskey, 49770	(231) 347-8102
Kalkaska #79	2089 N. Birch St.	Kalkaska, 49646	(231) 258-4112
<b>8th DHQ—Negaunee</b>	<b>1504 W. Washington, Suite A</b>	<b>Marquette, 49855</b>	<b>(906) 225-7030</b>
Negaunee #81	180 US-41 East	Negaunee, 49866	(906) 475-9922
Newberry #82	7942 State Hwy., M-123	Newberry, 49868	(906) 293-5152
St. Ignace #83	901 Graham Ave.	St. Ignace, 49781	(906) 643-7582
Manistique #84	US-2	Manistique, 49854	(906) 341-6218
Gladstone #85	922 Lake Shore Dr.	Gladstone, 49837	(906) 428-4412
Iron Mountain #86	N. US-2	Iron Mountain, 49801	(906) 774-2122
Wakefield #87	100 Sunday Lake St.	Wakefield, 49968	(906) 229-5372
L'Anse #88	P.O. Box 100	L'Anse, 49946	(906) 524-6162
Stephenson #89	W. 5420 County Rd. 354	Stephenson, 49887	(906) 753-2276
Calumet #90	55195 US Hwy. 41	Calumet, 49913	(906) 337-5145
Munising #91	414 E. Munising	Munising, 49862	(906) 387-4551
Iron River #92	897 Lalley Rd.	Iron River, 49935	(906) 265-2034
Sault Ste. Marie #93	3900 I-75 BR	Sault Ste. Marie, 49783	(906) 632-2217

**To obtain victim notification and information regarding prisoners, write to:**

Michigan Department of Corrections  
Central Records Office  
P.O. Box 30003  
Lansing, MI 48909

## VICTIM ASSISTANCE ORGANIZATIONS

For additional information, including victim assistance groups in your area, write or call:

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**Alliance Against Violence and Abuse**

(906) 789-9207  
Crisis Line: (800) 682-1649  
[www.aava.addr.com](http://www.aava.addr.com)

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**Alternatives for Girls**

(313) 361-4000  
[www.alternativesforgirls.org](http://www.alternativesforgirls.org)

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**Aware, Inc.**

(517) 783-2861  
[www.jxn-michigan.com/awareshelter](http://www.jxn-michigan.com/awareshelter)

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**Caring House, Inc.**

(906) 774-1337

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**Child Abuse & Neglect Council**

(517) 752-7226

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**Crime Victim Advocacy Council**

P.O. Box 30015  
Lansing, MI 48901-0015  
(517) 341-2228

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**Crime Victim Services Commission**

Lewis Cass Building  
320 South Walnut Street  
Lansing, MI 48913  
(517) 373-7373  
[www.michigan.gov/mdch](http://www.michigan.gov/mdch)

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**Crime Victims for a Just Society**

1500 Sandhill Road  
Mason, MI 48854  
(517) 349-4752  
[www.crimevictims.net](http://www.crimevictims.net)

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**DIAL HELP**

(800) 562-7622

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**EVE, Inc. (End Violent Encounters)**

1221 N. Grand River  
Lansing, MI 48906  
(517) 372-5572, 24-Hour Crisis Line  
[www.msu.edu/~cdaadmin/](http://www.msu.edu/~cdaadmin/)

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**Michigan 24-Hour Crisis Line**

(517) 265-6776

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**Michigan Coalition Against Domestic and Sexual Violence**

3893 Okemos Road, Suite B2  
Okemos, MI 48864  
(517) 347-7000  
[www.mcadsv.org](http://www.mcadsv.org)

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**Michigan Victim Alliance**

2117 Hampden Drive  
Lansing, MI 48911-1634  
(517) 487-8278  
[www.mivictims.org](http://www.mivictims.org)

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**Mothers Against Drunk Driving (MADD) of Michigan**

920 Townsend Street  
P.O. Box 19341  
Lansing, MI 48901  
(517) 487-6233  
[www.madd.org](http://www.madd.org)

**County Chapters:**

*Allegan County*  
330 Trowbridge, Suite 402R  
Allegan, MI 49010  
(269) 686-7895

*Calhoun County*  
34 West Jackson St., #2A  
Battle Creek, MI 49017  
(269) 963-6233

*Genesee County*  
P.O. Box 456  
Grand Blanc, MI 48439  
(810) 238-6233

*Grand Traverse County*  
P.O. Box 86  
Traverse City, MI 49695  
(231) 947-6233

*Gratiot County*  
P.O. Box 201  
Alma, MI 48801  
(989) 681-2629

*Jackson County*  
925 Backus Street  
Jackson, MI 49202  
(517) 796-0588

*Kalamazoo County*  
126 East Kilgore Road  
Portage, MI 49002  
(269) 381-6233



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**Mothers Against Drunk Driving (MADD) of Michigan  
County Chapters (continued):**

*Kent County*

1011 40th Street SE, Suite 100  
Grand Rapids, MI 49508  
(616) 456-6233

*Lapeer County*

190 Lone Pine Trail  
Lapeer, MI 48446  
(810) 245-6200

*Macomb County*

59 N. Walnut, #206  
Mt. Clemens, MI 48043  
(586) 463-3611

*Mason County*

5403 N. Stephens Road  
Fountain, MI 49410  
(616) 462-3993

*Oakland County*

3525 Elizabeth Lake Road, #B  
Waterford, MI 48328  
(248) 682-2220

*Saginaw County*

(989) 487-6233

*St. Clair/Sanilac Counties*

108 Huron Blvd.  
Marysville, MI 48040  
(810) 364-9919

*Washtenaw County*

5597 New Meadow Drive  
Ypsilanti, MI 48197  
(734) 665-5638

*Wayne County*

P.O. Box 85570  
Westland, MI 48185  
(724) 721-8181

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**National Center for Missing and Exploited Children**

Hotline: (800) 843-5678  
[www.missingkids.com](http://www.missingkids.com)

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**National Domestic Violence Hotline**

(800) 799-SAFE (7233)  
(800) 787-3224 (TDD)

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**Parents of Murdered Children (POMC)**

**National Office**

Toll-Free (888) 818-7662  
[www.pomc.org](http://www.pomc.org)

**Chapters:**

*Central Michigan*

Ardis Wait Renkoski  
1485 Forest Hills Drive  
Okemos, MI 48864  
(517) 349-1968

*Metro Detroit*

Hot Line: (248) 360-9692

*Saginaw County*

Virginia Garcia  
1924 Williamson  
Saginaw, MI 48601  
(989) 754-7339

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**Prosecuting Attorneys Coordinating Council**

116 West Ottawa Street  
Lansing, MI 48913  
(517) 334-6060  
[www.michiganprosecutor.org](http://www.michiganprosecutor.org)

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**The Rape, Abuse, Incest National Network (RAINN)**

Hotline: (800) 656-4673  
[www.rainn.org/](http://www.rainn.org/)



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*The information in this publication is available,  
upon request, in an alternative, accessible format.*

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